

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 10, 2021 – 1:00 PM
117 DICK STREET, 5TH FLOOR, ROOM 564
AGENDA SESSION REGULAR MEETING MINUTES

PRESENT: Commissioner Charles Evans, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Larry Lancaster
Commissioner Toni Stewart
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Angel Wright-Lanier, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Brenda Jackson, Social Services Director
Jermaine Walker, County Engineer
Rawls Howard, Planning and Inspections Director
Dee Taylor, Community Development Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Jimmy Keefe

Chairman Evans called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Chairman Evans provided the invocation followed by the Pledge of Allegiance to the American flag.

Amy Cannon, County Manager, requested consideration of the removal of Item 4.C. Amended Professional Services Agreement for the Emergency Rental Assistance Program with Innovative Emergency Management, Inc. Ms. Cannon also requested consideration of the addition of the following two item: 5.A Request for an Animal Services Shelter Veterinary Health Technician and 5.B. Update on Opioid Litigation Settlement.

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda with the changes as requested by County Manager Amy Cannon.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (6-0)

2. APPROVAL OF MINUTES

A. June 10, 2021 Agenda Session Regular Meeting Minutes

MOTION: Commissioner Adams moved to approve the June 10, 2021 Agenda Session regular meeting minutes.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

3. PRESENTATIONS

A. Cape Fear Regional Theatre Post-Covid Renovation

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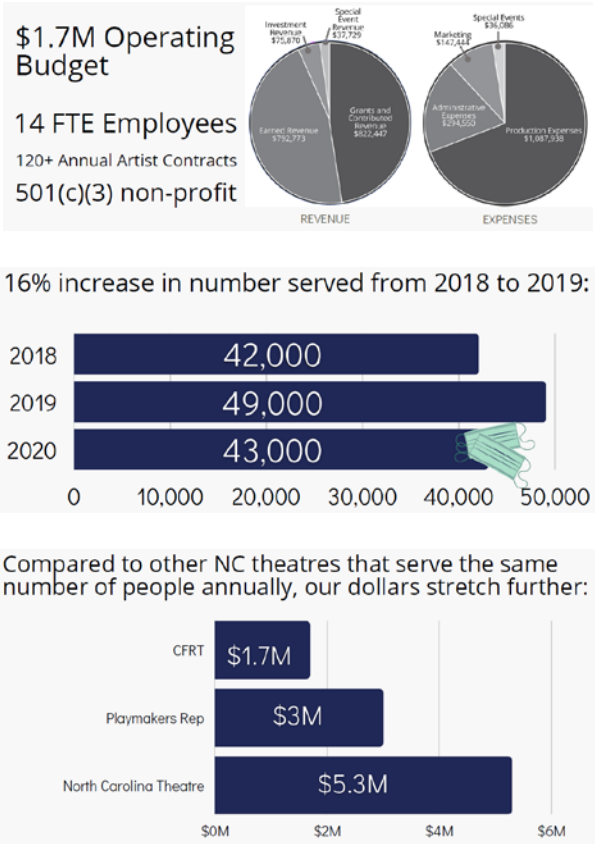
BACKGROUND

Commissioner Boose viewed a presentation at a PWC meeting provided by Ella Wrenn, Managing Director of the Cape Fear Regional Theatre. The presentation was about the theatre’s post-Covid renovation. Commissioner Boose invited Ms. Wrenn to the August 10, 2021 Agenda Session meeting to share her presentation with the Board. Mary Kate Burke, CFRT Artistic Director, will join Ms. Wrenn for the presentation.

RECOMMENDATION / PROPOSED ACTION

For information only.

Ella Wrenn, Managing Director of the Cape Fear Regional Theatre, and Mary Kate Burke, CFRT Artistic Director, provided a PowerPoint presentation about the theatre to include programs such as CFRTeen Tours, Drama Day Camps, Summer Camp, Passport Series, and Friendship House, the theatre’s operating budget/employees and the theatre’s capital improvement plan to include photos and a rendering of the theatre post renovation.



Preliminary Capital Campaign Statistics											
	FY 21-22		FY 22-23		FY 23-24		FY 24-25		FY 26-27		
	General				Operating						
	Revenue	FTE Jobs	Revenue	FTE Jobs	Revenue	FTE Jobs	Revenue	FTE Jobs	Revenue	FTE Jobs	
Direct Impact	\$1,500,000.00	20	\$1,700,000.00	22	\$1,850,000.00	22	\$2,000,000.00	27	\$2,200,000.00	29	
Indirect/Induced	\$900,000.00	16	\$1,020,000.00	16	\$1,110,000.00	16	\$1,200,000.00	13	\$1,320,000.00	13	
Visitor Spending	\$700,000.00	10	\$793,333.33	11	\$863,333.33	11	\$933,333.33	12	\$1,026,666.67	12	
Total	\$3,100,000.00	46	\$3,513,333.33	49	\$3,823,333.33	49	\$4,133,333.33	52	\$4,546,666.67	54	
Capital/Infrastructure Investment											
Direct Impact	\$900,000.00	4	\$1,000,000.00	5	\$3,000,000.00	5	\$5,000,000.00	6	\$2,000,000.00	7	
Indirect/Induced	\$300,000.00	3	\$333,333.33	4	\$1,000,000.00	4	\$1,666,666.67	5	\$666,666.67	6	
Total	\$1,200,000.00	7	\$1,333,333.33	9	\$4,000,000.00	9	\$6,666,666.67	11	\$2,666,666.67	13	
Total Impact											
Financial	\$4,300,000.00	53	\$4,846,666.67	58	\$7,823,333.33	58	\$10,800,000.00	63	\$7,213,333.33	67	
Visitors	49,000		50,000		52,000		54,000		57,500		
Implant Study currently in process with Dr. Gregory McElveen at Fayetteville State University											

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Ms. Wrenn and Ms. Burke concluded their presentation. Commissioner Boose stated he initially thought renovation of the CFRT would take away from the Performing Arts Center, but it really is more of an incubator. Questions followed and a brief discussion followed about forwarding a resolution to the Cumberland County Legislative Delegation to support the inclusion of State funds for the benefit of the CFRT in the 2021 State Budget

MOTION: Commissioner Boose moved to direct the chairman to prepare a resolution to show support for the allocation of funding for the CFRT renovation in the 2021 State Budget.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

B. Update by Pathways for Prosperity

BACKGROUND

At the June 10, 2021 Agenda Session regular meeting, Commissioner Boose stated he was approached by persons associated with Pathways for Prosperity who asked to provide an update. Commissioner Boose then offered a motion to approve the agenda and that persons associated with Pathways for Prosperity provide an update at the August 12 Agenda Session. The motion received a second by Commissioner Council and passed unanimously (6-0).

RECOMMENDATION / PROPOSED ACTION

Receive update.

Leveraging American Rescue Plan (ARP) Funds to Fight Poverty

- ☐ Fayetteville to receive \$38 million in ARP fiscal aid; Cumberland County to receive \$65 million
 - o Opportunity to address challenges highlighted in the 2015 Harvard study by Raj Chetty and in the Community Action Plan developed by Pathways For Prosperity
 - o Strategic investments with these funds can reduce long-standing barriers to economic mobility, disrupt cycles of intergenerational poverty, unlock region's growth potential
 - o Pathways for Prosperity issued a letter on April 7, 2021, offering recommendations to maximize impact of ARP funds; recommendations conform with recent Treasury guidance

Recommended Investments—ARP Funds

- ☐ Establish Housing Trust Funds within City and County community economic development offices
 - o Recommended allocations: City: \$10M; County: \$10M
 - o Impact: Provide gap financing for affordable housing development, incentivize income-diverse projects, support first-time home buyers, improve quality of existing stock
- ☐ Provide additional funding for tenant-based local rent supplement program currently in place
 - o Recommend *jointly funded* program; allocations: City: \$11.5M; County: \$11.5M
 - o Impact: Increase financial stability for cost burdened low-income households and free dollars for circulation in the local economy
- ☐ Increase capacity for CCS-endorsed Communities in Schools' Parent University program expansion
 - o Recommended allocations: City: \$1.5M; County: \$1.5M
 - o Impact: Support placement of 10-12 new Student Support Specialists in schools serving youth in areas of concentrated poverty over a three-year period
- ☐ Launch a Historically Underutilized Business (HUB) certification campaign in partnership with Fayetteville Cumberland Economic Development Corporation (FCEDC)
 - o Recommended allocations: City: \$500K; County: \$500K
 - o Impact: Promote a more equitable share of government contracts; increase the strength and capacity of diverse businesses throughout the community
- ☐ Create a revolving loan/grant fund for local businesses to accelerate access to capital
 - o Recommend City and County separately allocate funds for a community partner such as the Center for Economic Empowerment & Development (CEED); City: \$2.5M; County: \$2.5M

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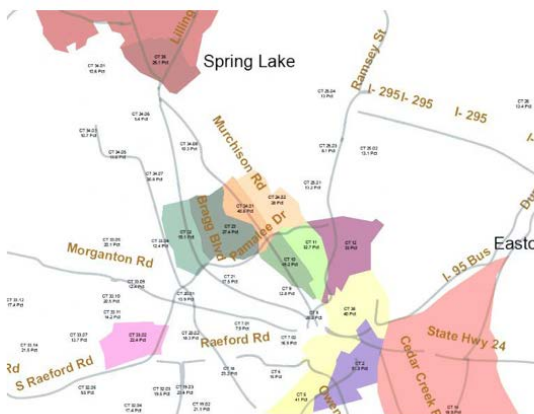
- o Impact: Facilitate growth of small businesses and increase access to opportunities
- Establish a broadband access program for low-income households (prioritize 50% AMI and below)
 - o Recommend city and county separately allocate funds for an appropriate community partner for administration; City: \$2.7M; County \$2.7M
 - o Impact: Expand access to job opportunities, training, and education; compliment strategic effort to increase broadband coverage across the county
- Consider opportunities to increase living wage standards for local government employees and pursue infrastructure improvements such as street lighting and resurfacing in high-need areas

Adam Svolto, N.C. Justice Center Deputy Director of Policy & Engagement, stated the N.C. Justice Center serves as a partner and consultant for the Pathways for Prosperity Coalition and he is present today on behalf of the Coalition that is chaired by Senator Kirk deViere. Mr. Svolto acknowledged Coalition members, presented the information recorded above and provided the following PowerPoint presentation:

Background

- Multi-disciplinary effort to optimize systems, policies, resources to address poverty
- Partnerships across local government, non- profit organizations, community members
- Six focus areas: housing, early childhood, K-12 education, life skills, workforce, health

Priority Communities



Recent Coalition Activity

- Housing—CoF Choice Neighborhoods/Murchison Rd.
- Life Skills--Communities In Schools—Parent University expansion to five elementary/middle schools
- K-12 Advocacy—Community-Interagency Council offered recommendations to improve CCS Student Code of Conduct
- COVID19 Response, ARP Funds

Leveraging ARP Funds

Opportunity to invest in families in ways that catalyze economic growth

- Housing Trust Fund
- CIS Parent University Expansion
- Revolving Loan Fund for Small Businesses
- Broadband Access

Mr. Svolto concluded his presentation and responded to questions posed by Commissioner Boose about the Board of Directors and recommended use of ARP funds. Mr. Svolto stated Pathways for Prosperity is a coalition that looks at and shares policy and is not a 501(c)(3). Mr. Svolto also stated recent guidance from the U. S. Treasury allows for contracting with appropriate nonprofits and the recommendations for the use of ARP funds in the April 7, 2021 letter were shared as examples of good candidates with whom the city or county may want to partner. Additional

questions followed. Mr. Svolto stated he and his colleagues are available to share ARP funding ideas.

4. CONSIDERATION OF AGENDA ITEMS

A. Local Workforce Development Area Annual Plan - Program Year 2021

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the Chief Local Elected Official (i.e., Chairman of the Local Board of County Commissioners), a comprehensive four-year plan. Four-Year Plans were submitted in 2020. Annually, each WDB is to provide updates to the Comprehensive Four-Year Plan (PY 2020). The WIOA Program Year (PY) 2021 Plan provides current plan year updates which will be effective July 1, 2021 - June 30, 2022 and will include all current local policies. The Comprehensive Four-Year Plan (PY 2020) must be maintained and updated as appropriate. The PY 2021 Plan includes information related to the WDB Overview, NCWorks Career Center, WIOA Title I Programs (Adult and Dislocated Worker Services and Youth Services), and Local Innovations. The complete document and attachments are available for review at: <https://www.cumberlandcountync.gov/departments/career-center-group/career-center/local-area-plan>.

According to WDB staff, the plan was posted as required for thirty (30) days for public review and comment. The Cumberland County Workforce Development Board Chair has signed and is submitting the attached signatory page.

RECOMMENDATION / PROPOSED ACTION

The Workforce Development Board recommends forwarding the PY 2021 Cumberland County Local Workforce Development Area Plan to the Consent Agenda of the August 16, 2021 Board of Commissioners' Regular Meeting for approval.

Justin Hembree, Mid-Carolina Council of Governments Executive Director, presented the background information recorded above as it relates to review and approval of the Local Workforce Development Area Plan for PY20-21. Mr. Hembree stated this plan is basically a document that is intended to provide the State and federal government with information they need relative to the way local Workforce Development programs are operated, and the majority of the Workforce Development plans look similar. Mr. Hembree stated one of the updates in this plan deals with changing the name of the administering agency from Cumberland County to Mid-Carolina Council of Governments with himself being listed as the Workforce Development Director and other technical changes of that nature; there are no substantial changes in terms of programmatic activity. Mr. Hembree stated this is not the "be all, end all" for Workforce Development in Cumberland County but deals with only a small portion of the overall program. Mr. Hembree stated work will take place over the next six months to put an action plan together as to what the partners want the Workforce Development plan to look like on the local level.

MOTION: Commissioner Adams moved to forward the Local Workforce Development Area Annual Plan to the consent agenda of the August 16, 2021 Board of Commissioners' regular meeting for approval and authorize the chairman to execute the document.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

B. Removal of Appendix B from the Cumberland County Code of Ordinances

BACKGROUND

As part of the 160D updates to the County's Zoning and Subdivision ordinances earlier this year, it was discovered that the County Code of Ordinances contains an Appendix B, which houses the County's subdivision standards, and that it is redundant and duplicative of an already existing

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stand-alone subdivision ordinance.

The Planning and Inspections Department has been utilizing the stand-alone subdivision ordinance for years and has the ordinance posted on the department's website. As such, staff believes there is no need for the duplicate language to be in the Code of Ordinances and that it should be removed. There is a precedent for this as an identical action was taken to remove Appendix A in the Code of Ordinances that previously held the County's zoning regulations. The redundant zoning regulations were removed with a note inserted to direct the public to the Planning and Inspections Department. Staff is requesting an identical action be taken for the subdivision regulations. Being that there is no change in the ordinance language, there is no public hearing required for this action.

Similar to the action taken to amend the zoning ordinance, and if deemed appropriate by the Board of Commissioners, staff recommends the following sentence be inserted to replace the current language in the Appendix B location:

"At the county's instruction the subdivision ordinance is not set out herein but is on file and available for inspection in the office of the planning department of the county."

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of County Commissioners consider removal of Appendix B from the County Code of Ordinances and that the item be placed on the Consent Agenda for the August 16, 2021 Regular Meeting.

Rawls Howard, Planning and Inspections Director, presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Lancaster moved that this item be placed on the consent agenda for the Board of Commissioners' August 16, 2021, regular meeting with a recommendation to remove Appendix B from the County Code of Ordinances.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

C. REMOVED FROM AGENDA

D. Removal of Historical and Future Late Fees for Materials at Cumberland County Public Library

BACKGROUND

The Cumberland County Public Library is requesting approval from the Cumberland County Board of Commissioners to become a late-fee free library system for materials checked out by customers. This would entail clearing historical late fees and no longer charging late fees in the future.

Over the past year, the Cumberland County Public Library has paused the collection of late fees on overdue library books and audiovisual materials to help ease the financial burden on community members during COVID-19 while also maintaining access to resources and services. The materials have been placed on automatic renewal. Our budget proposal for FY22 was conservative in the projection of collected late-fees, due to COVID-19.

This pause on late fee collection has allowed for the strategic evaluation of the practice of collecting late fees on materials through the lens of the County's goals of promoting diversity, equity and inclusion; recruitment and retention; as well as fiscal responsibility and return on investment through staff time and resources. Through the information detailed in the memo below, you will see that charging late fees on materials is: a barrier to access that does not promote diversity, equity and inclusion of all community members; a practice that is no longer industry standard, which could negatively affect our reputation within the state; and is not a fiscally responsible return on investment.

Finally, research within the industry from other library systems that have gone late-fee free, have experienced a huge return of customers, have broken down barriers to access – increasing the members of the community they serve, have experienced a huge amount of good will within the community, while ensuring that their practices meet industry standards and are fiscally responsible.

Cumberland County Public Library currently has 146,051 borrowers with library cards. Of those borrowers, 49,738 of them are inactive and have late fees and fines over the threshold that would prevent them from checking out materials. The threshold is \$10. Customers who owe more than \$10 cannot access library resources.

Approximately 34% of our library card holders are inactive, with fees that prohibit them from using our resources. We cannot assume that all of these card holders went inactive because of large fines, but it is reasonable to assume that a number of these customers are no longer users because they accrued late fees and were unable to pay them back, therefore being prohibited from using our resources.

Of those inactive borrowers 9,567 are juvenile borrowers who have accrued fees and fines such that their amount due prohibits access to materials. Our experience has shown that frequently, late fees on juvenile accounts are due to no fault of the child, so they are being prohibited access to essential materials for learning and development through no fault or action of their own.

Furthermore, revenue from late fees has been on a decreasing trend for the last five years, even prior to COVID. The revenue has been as following:

- FY – 17: \$44,111.02
- FY – 18: \$ 45, 614.37
- FY – 19: \$43,290.40
- FY – 20: \$26, 803.58
- FY – 21 (late fees paused due to COVID-19): \$1,468.72

Cumberland County Public Library currently charges \$.20 per day per item with a maximum of \$5 per item charged. With the threshold of \$10 being that which prohibits customers – two overdue books could stop a customer from being able to access materials.

It should be noted that this request to go late-fee free is not for the fines to pay for materials that have been lost. Cumberland County Public Library would continue to collect fines for materials that have been lost when possible.

Late fees are a percentage of the revenue the library is bringing in:

Total revenue:

- FY – 17 \$44,111.02 – late fees (25% of revenue)
Total of all fees collected in FY17 \$169,845.93
- FY – 18 \$45,614.37 – late fees (32% of revenue)
Total of all fees collected in FY18 \$142,504.10
- FY – 19 \$43,290.40 – late fees (30%)
Total of all fees collected in FY19 \$140,584.53
- FY – 20 \$26,803.58 – late fees (we shut down on 3/20/21)
Total of all fees collected in FY20 \$96,552.68 (27%)
- FY – 21 \$1468.72 – late fees were collected even though we were fee free.

Our current predicted revenue from all fines and fees is \$112,000. Taking an estimate based on historical numbers – we can estimate that 30% or \$33,600 of that amount would be late-fees. Furthermore, CCPL has a total of \$2,926,592.70 in fines and fees logged in the system from accounts with balances due of over \$10. However, of that amount, \$1,012,013.00 are on record from pre-2014, and due to a migration of check out systems – we do not have all of the contact information for the customers. In other words, they are long overdue late fees and fines that we do not anticipate collecting.

Diversity, Equity, and Inclusion

Of the 49,738 cardholders who have prohibitive fees/fines on their account, at least 27,876 customers live within zip codes in Cumberland County where the median household income and home value are all below the state average, and the number of persons earning below the poverty level is above the state average.

A comparison of two zip codes in Cumberland County demonstrates how the late fee structure of libraries targets historically underserved communities, as well as communities with high levels of poverty.

For example, in the zip code 28305, there are a total of 495 customers who are unable to use the library due to fees over \$10. Census and demographic data shows that the area for 28305 has median home values higher than the state average and median household incomes higher than the state average. The data shows that 43.6% of the residents of 28305 have a bachelor's degree or higher, and of those 19.6% have a graduate or professional degree. Demographic data shows that the area for 28305 is 66.2% White, 25.6% Black or African American, 4.1% Hispanic or Latino, 2% 2 or more races, 1.3% Asian, .5% Indigenous, and .1% Other. Also, 14.2% of the residents in that community receive incomes lower than the poverty level, only slightly higher than the state average of 13.6%.^[1]

Comparing these statistics with the zip code with the largest number of customers who are blocked due to fees clearly highlights the inequity of this practice. There are 5,438 customers in the 28314 area who are blocked from utilizing library resources due to fines and fees. In this area, 28.4% of residents have a bachelor's degree, and 8.4% of those have a graduate or professional degree. The median home value and the median household income are below the state average. The demographic data for this area further highlights how the late fee structure is inequitable to historically underserved communities. The zip code of 28314 is 43.7% Black or African American, 34.8% White, 12.6% Hispanic or Latino, 3.9% 2 or more races, 3.4% Asian, .7% Indigenous, .6% Native Hawaiian, and .3% Other.^[2]

While 28314 has the most blocked customers, the data it presents is similar to many of the other zip codes: historically underserved communities and communities with higher rates of poverty and lower education rates in our community are inequitably and unfairly affected by the library's late fee structure.

The breakdown for ZIP Codes is:

28301: 2,623
28303: 2,673
28304: 3,694
28305: 495
28306: 3,645
28307: 352
28311: 3,820
28312: 1,692
28314: 5,438
28348: 2,745
28390: 1,546
28391: 409

This percentage demonstrates that our fee structure unfairly targets our most underserved residents – community members who we are specifically trying to serve and reach. In order to support our strategic efforts of diversity, equity, and inclusion, – we have to take down barriers to access for our most underserved community members. Elimination of late fees – both historical and future – would expand equitable access for all customers.

Data from libraries across the county have increasingly demonstrated that charging late fines create unnecessarily economic barriers to access for customers, to the extent that the American Library Association passed a resolution in 2019 urging libraries to remove fines to expand access.^[3]

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Industry Standard and Recruitment and Retention

Elimination of historical and future late fees has quickly become the industry standard within the library profession in the United States, and more locally, within the State of North Carolina. Within NC, the following systems have implemented versions of the late fee and/or fine free system:

Totally fine free:

Alamance County (starting July 2021)
Buncombe (starting July 2021)
Cabarrus County
Carteret County
Catawba County (starting July 2021)
Mecklenburg County / Charlotte (starting July 2021)
Durham County
Gaston County
Guilford County / Greensboro Henderson (starting July 2021)
Iredell County (starting July 2021)
Madison County
Wake County
Robeson County
Chapel Hill
Farmville
Gibsonville
 Mooresville

Mostly fine free:

Northwest Regional (DVD fines only)

- Alleghany County
- Stokes County
- Surry County
- Yadkin County

Forsyth County (DVD fines only)

Partially fine free:

- Granville (fine free for children's materials)
- Transylvania (fine free for children's materials, Student Access, bookmobile)
- Student Access libraries (fine free student accounts)

Appalachian Regional:

Ashe, Watauga, and Wilkes Counties

- BHM Regional: Beaufort, Hyde, and Martin Counties
- Bladen County
- Braswell Memorial: Nash County
- Caswell County
- Cleveland County
- Davie County
- Davidson County
- Fontana Regional: Jackson, Macon, and Swain Counties
- Franklin County
- Harnett County
- Kings Mountain Municipal Library
- Lee County
- McDowell County
- Neuse Regional: Greene, Jones, and Lenoir Counties
- Perry Memorial Library
- Polk County
- Public Library of Johnston County and Smithfield
- Rockingham County
- Scotland County
- Wayne County

As this list demonstrates – it is the standard for libraries in NC to be either fully fine free or partially fine free. As one of the largest systems in the State, we want to ensure that we are up to date in providing access to our communities, and ensuring we are leaders on the forefront of serving our customers. Leadership in serving customers will allow us to recruit and retain top tier talent.

Return on Investment:

Based on staff reporting, it takes a minimum of 15-30 minutes to assist customers when there is a late fee involved. This process includes explaining the fee, taking them through payment options, and then assisting with payment options. If the late fee becomes an item with the customer that is escalated towards management, then it can take additional time. Escalations have even made it to the Deputy Director and Director.

Using the base salary amount of \$15/hour – the return on investment for the amount of money collected from late fees does not justify the amount of staff time used on continuing the practice. By the time we have spent staff time to explain the fees, gather information with escalated issues, assisted customers who may have been angry – we have spent way more in staff time and lost productivity than the fine collection would provide in revenue to the county.

Ceasing the use of the collection agency to recover lost materials and instead utilizing staff to contact customers with large outstanding fines for materials considered lost would be a cost saving measure, to help off balance the small amount of revenue taken in by late fees.

Currently, the library pays the collection agency – Unique Management Solutions - \$9.00 per call to a customer. While we do only pay for the fee when the materials have been brought back to the library, there are more effective ways to do this. While the service has helped us gain back some lost materials, the cost structure is not fiscally responsible or effective, when we are able to do the contacting internally through innovating marketing.

We have paid the agency the following over the past years:

- 2016 – \$35,719.45
- 2017 - \$36,202.75
- 2018 - \$30,054.10
- 2019 - \$27,011.10
- 2020 - \$19,663.15
- 2021 - \$0- were not collecting due to COV-19.
- 2022 – Our current bill this FY is \$4,000

When comparing these sums to the amount of revenue collected from late fees, and from a budget perspective, we can eliminate the use of this service to get as close to a zero balanced budget as possible.

Data has also demonstrated that late fees do not bring materials back faster. Libraries without late fees tend to have materials returned at the same rate, or faster, as those with late fees.

Furthermore, data and analysis from other libraries across the country demonstrate that going late fee free increases use of the library, as well as good will in the community. A few examples include:

- Saint Paul (MN) Public Library: upon going fine free: 85,416 items checked out on formerly blocked cards in the first fine free year, 1.8% increase in circulation after a multi-year decrease, and 1.9 days increase on wait/hold lists for items[4]
- Public Libraries in Salt Lake City (UT) saw a 10% increase in check outs and borrowers after dropping late fees. The library's late-return rate dropped from 9% to 4% after late fees were eliminated.[5]
- The High Plains Library District (Co) saw an 8% increase in juvenile borrowers, and the libraries in San Rafael (CA) saw an increase of 40% youth borrowers after eliminating late fees.[6]

[1] <http://www.city-data.com/zip/28305.html>

[2] <https://www.city-data.com/zip/28314.html>

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- [3] <https://www.ala.org>
- [4] <https://sppl.org/fine-free/>
- [5] <https://library-nd.libguides.com/publib/finefree>
- [6] Ibid.

RECOMMENDATION / PROPOSED ACTION

The data presented above highlights the need for the elimination of late fees in the Cumberland County Public Library. I am recommending the consideration of the elimination of historical and future late fees for Cumberland County Public Library. Thank you for your consideration of this request.

Faith Phillips, Public Library Director, provided the following PowerPoint presentation.

Background on late fees

- Late fees as barriers to:
 - Diversity, equity, and inclusion
 - Recruitment and retention
- Late fees and their return on investment
- Data from other systems
- Recommendation
- Questions

Late Fees and CCPL

- Paused during COVID-19
- Allowed for evaluation of collection
- \$.20 per day, per item, with a max of \$5.00 in late fees per item
- \$10.00 of fees or fines on card will prohibit checkout of materials
- CCPL has a total of 146,051 borrowers with library cards.
 - 49,738 of those are blocked from checking out materials due to fees/fines
 - 9,567 of those are juvenile cards
 - 34% of our borrowers are inactive and have fees that prohibit them from accessing library materials

Late Fees and Revenue

- Decreasing trend over the past 5 years
 - FY – 17: \$44,111.02
 - FY – 18: \$45,614.37
 - FY – 19: \$43,290.40
 - FY – 20: \$26,803.58
 - FY – 21 (late fees paused due to COVID-19): \$1,468.72
- Late fees are only a portion of our revenue
- FY – 17 \$44,111.02 – late fees (25%)
 - Total of all fees collected: \$169,845.93
- FY – 18 \$45,614.37 – late fees (32%)
 - Total: \$142,504.10
- FY – 19 \$43,290.40 – late fees (30%)
 - Total: \$140,584.53
- FY – 20 \$26,803.58 – late fees (we shut down on 3/20/21) (27%)
 - Total: \$96,552.68
- FY – 21 \$1468.72 – late fees were collected even though we were fee free.

Late Fees as Barriers to Diversity, Equity and Inclusion

- Of 49,738 customers who are blocked/inactive due to fees at least 27,876 or 56% live within zip codes in Cumberland County where:
 - Median household income is below state average
 - Median home value is below state average
 - Number of residents earning below the poverty line is above state average 28305
- 495 customers blocked/inactive due to excess fees/fines

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- Median home values above state average
- Median household income above state average
- 43.6% bachelor's degree or higher
- Demographic data: 66.2% White, 25.6% Black or African American, 4.1% Hispanic or Latino, 2% 2 or more races, 1.3% Asian, .5% Indigenous, and .1% Other 28314
- 5438 customers blocked/inactive due to excess fees/fines
- Median home values below state average
- Median household income below state average
- 28.4% bachelor's degree or higher
- Demographic data: 43.7% Black or African American, 34.8% White, 12.6% Hispanic or Latino, 3.9% 2 or more races, 3.4% Asian, .7% Indigenous, .6% Native Hawaiian, and .3% Other
- Late Fees unfairly effect historically underserved communities and communities experiencing higher rates of poverty
- Late fees do not promote equitable access to library materials
- Breakdown by Zip Codes
 - 28301: 2623
 - 28303: 2673
 - 28304: 3694
 - 28305: 495
 - 28306: 3645
 - 28307: 352
 - 28311: 3820
 - 28312: 1692
 - 28314: 5438
 - 28348: 2745
 - 28390: 1546
 - 28391: 409

Late Fees and Recruitment and Retention

- Trend in National and State Libraries
- 18 library systems in our state are late fee free
 - Alamance, Buncombe, Cabarrus, Carteret, Catawba, Charlotte/Mecklenburg County, Durham, Gaston, Guildford County/Greensboro, Henderson, Iredell, Madison, Wake, Robeson, Chapel Hill, Farmville, Gibsonville, Mooresville
 - Note – our neighbor, Robeson County, took this step in 2019. One of the leaders in the state!
- Mostly late fee free
 - 2 systems, 5 counties: Alleghany, Stokes, Surry, Yadkin, Forsyth
- Partially fine free/student cards late fee free
 - 23 systems covering 31 counties: Granville, Transylvania, Ashe, Watauga, Wilkes, Beaufort, Hyde, Martin, Bladen, Nash, Caswell, Cleveland, Davie, Davidson, Jackson, Macon, Swain, Franklin, Harnett, Kings Mountain, Lee, McDowell, Green, Jones, Lenoir, Perry Memorial, Polk, Johnston, Rockingham, Scotland, Wayne
- Cumberland County Public Library is one of the largest library systems in the State
 - Our peer libraries, such as Durham and Forsyth are late fee free
- Establish as a leader in library service and trends
- This will help recruit and retain talent

Return on Investment

Staff Reports:

- Min of 15-30 minutes to assist customers with late fees
 - Explaining fee, explaining payment, assisting with options
- Escalation could cause another 15-30 minutes for management to work with the upset customer
- Base salary of \$15/hour
- Return on investment of money gained does not provide a fiscally responsible return on investment for staff time

- Use of Unique Management Solutions: pay company \$9.00 per call, on the accounts paid or cleared off the card.

Unique Management Solutions:

- We have been paying a collection agency to call and gently remind customers to bring back materials, something we could do ourselves
- The cost of late fees is similar to the amount we have paid to the company
- We are also charging a \$10.00 collection fee on accounts to help pay for the cost of the customer. We are adding fines to folks already burdened, and if we chose to waive this fee, then we take on that cost.
- Essentially, from a cost perspective, the late fees are paying for a collection agency. If we no longer use this service, it helps equalize the cost of going late fee free
- Zero balance budgeting

Amounts paid to UMS compared to late fees collected

- 2017 - \$36,202.75 (Late Fees: \$44,111.02)
- 2018 - \$30,054.10 (\$45,614.37)
- 2019 - \$27,011.10 (\$43,290.40)
- 2020 - \$19,663.15 (\$26,803.58)
- 2021 - \$0- were not collecting due to COV-19
- Our current bill is \$4,000.0 for this month.

Has helped regain materials, however, in order to provide fees, and eliminate barriers to services, we can do this in a more effective manner.

Additional Data:

Elimination of late fees has been shown to:

- Increase in circulation, increase of return of previously blocked customers
- Decrease late returns of materials
- Increase juvenile and youth borrowers
- Creates good will in the community

Fiscally Responsible Implementation

Seeking methods to decrease expenditures to mitigate loss in revenue

- Discontinue use of Unique Management Solutions
- Grants to provide funding and additional revenue
- Year to date: \$95,846 in ARP funding received

Other implementation steps

- Upon approval, will work with PIO to incorporate it into a large-scale marketing campaign for the library and to create good will
- Working to create the library as a brand

Ms. Philips concluded her presentation. Commissioner Adams asked Ms. Philips whether she would consider eliminating efforts to regain lost items. Commissioner Adams stated in all likelihood the lost items will not be found and as a result many of those library patrons may not return to library. Commissioner Adams stated although he would not necessarily advertise it, he would like those library patrons to feel like they can return to the library. Ms. Philips stated if supported by the Board, she would not be opposed to it. Questions and discussion followed.

MOTION: Commissioner Adams moved to approve the elimination of historical and future late fees and fees for lost books and forward this item to the consent agenda for the Board of Commissioners' August 16, 2021, regular meeting.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

E. Fayetteville Area Convention & Visitors Bureau, Inc. (FACVB) Bylaw Change

BACKGROUND

Per The FACVB Bylaws, amendments made to Article IV and VI, may be amended by affirmative vote of 2/3 of the Board of Directors and approval of the Board of Commissioners. The FACVB

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Board added the 2 sentences below to Article IV Section 3:

Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members’ participation.

The FACVB Board also amended Article III, Section 2 and 3 to create a board that is more inclusive of tourism businesses and partners in Cumberland County.

RECOMMENDATION / PROPOSED ACTION

The FACVB Board recommend that the amended Bylaws of the Fayetteville Area Convention & Visitors Bureau, Inc. be forwarded to the August 16, 2021 Board of Commissioners meeting on the consent agenda for approval.

BY-LAWS

FAYETTEVILLE AREA CONVENTION & VISITORS BUREAU, INC.

~~Amended April 22, 2015~~Amended July 28, 2021

Article I

OFFICE

Section 1. Name: This Corporation shall be known as Fayetteville Area Convention & Visitors Bureau, Inc.

Section 2. Principal Office: The principal office of the Corporation shall be located at 245 Person Street, Fayetteville, North Carolina 28301.

Section 3. Registered Office: The registered office of the Corporation required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office. Until otherwise changed, by the Board of Directors, the registered office shall be 245 Person Street, Fayetteville, North Carolina 28301.

Article II

PURPOSE

To position Cumberland County as a destination for conventions, tournaments, and individual travel and to engage in any lawful act or activity for which non-profit corporations may be organized under Chapter 55A of the North Carolina General Statutes. In so doing, the Corporation shall have all powers granted under Chapter 55A of the North Carolina General Statutes.

Article III

DIRECTORS

Section 1. General Powers: The business affairs of the Corporation shall be managed by its Board of Directors.

Section 2. Number of Board Members: The number of members constituting the Board of Directors shall be eleven (11). The Board shall also have ~~5~~4 nonvoting ex-officio members. ~~(should board wish to enact this provision to expand.)~~

Section 3. Composition: Said Board shall be comprised of the following individuals:

(a) the County Manager or his/her designee;

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(b) the City Manager of the City of Fayetteville or his/her designee;

(c) the Director of the Crown Complex ~~enter~~ or his/her designee;

(d) ~~the two one~~ representatives nominated by hotels and motels within the County of Cumberland which have fewer than 100 rooms and appointed by the County Commissioners.

(e) ~~the two one~~ representatives nominated by hotels and motels within the County of Cumberland which have in excess of 100 rooms and appointed by the County Commissioners.

~~_____~~ (f) ~~the Chairman-President~~ of the Airborne ~~Land~~ Special Operations Museum ~~Foundation or his/her designee;~~

(g) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and meeting space in excess of 6,000 square feet which shall be elected by the Board of Directors ~~upon recommendation of a Nominating Committee~~ ~~appointed by the Chairman;~~

(h) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and shall be elected by the Board of Directors ~~upon recommendation of a~~ ~~Nominating Committee appointed by the Chairman;~~

~~_____~~ (i) ~~one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the Board of Directors;~~

(j) ~~one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the County Commissioners;~~

~~_____~~ ~~(i) Beginning July 1, 2015 FAGVS appointed positions can be appointed for 2 three-year terms, but subject to re-appointment after first term;~~

~~_____~~ ~~(j/k)~~ an at-large member, appointed by the ~~Board of County Co~~ Commissioners, which is representative of one or more of the following groups: (1) arts/cultural community; (2) business ~~_____~~ community; (3) military; and has a demonstrated interest in travel and tourism in the County;

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(l) FACVR appointed positions can be appointed for 2 - three year terms, but subject to re-appointment after first term:

(m) no hotel/motel or corporation or business group owning or managing several motels/hotels in Cumberland County shall have more than two members on the Board of Directors at any one time;

(n) in making selections to the Board of Directors, particular attention should be made to enhancing the ethnic and gender diversity of the Board;

(o) members of the Board of Directors do not need to be members of the Corporation;

(p) any Director appointed by the Board of Directors may be removed by the Board when in the judgment of the Board of Directors the best interest of this Corporation will be served thereby;

(q) vacancies on the Board of Directors will be filled within sixty (60) days of the vacancy by the appropriate body as outlined in Article IV of these By-Laws;

(r) Nonvoting ex-officio positions for: (If Article III, Section 3 enacted by board to expand))

Nonvoting ex-officio positions for:

- Tourism Development Authority liaison
- President of the Fayetteville Area Hospitality Association
- President of the Greater Fayetteville Chamber of Commerce
- President of the Cool Spring Downtown District
- President of the Fayetteville Cumberland County Economic Development Corporation
- Past Chair of the Fayetteville Convention & Visitors Bureau

One (1) position at the board's discretion

Ex-officio positions depend on reciprocal board positions.

(s) Members of the board shall be owners, general managers, or top executives;

(t) The County shall designate a commissioner liaison in a nonvoting position.

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<p style="text-align: center;">Article IV</p> <p style="text-align: center;">MEETINGS</p>	
Section 1.	<p><u>Annual Membership Meeting:</u> An annual meeting of the members of the Fayetteville Area Convention & Visitors Bureau, Inc., shall be held in January each year or at such other time as the Board of Directors may designate.</p>
Section 2.	<p><u>Annual Meeting of the Board of Directors:</u> An annual meeting of the Board of Directors shall be held during the month of January each year at a date, time and place to be decided upon by the Board of Directors or, in the absence of Board action, at the principal office of the Corporation.</p>
Section 3.	<p><u>Regular and Special Meetings:</u> The Board of Directors shall have regular meetings quarterly on the fourth Wednesday (starting in January) unless there is not sufficient business to warrant a meeting. Special meetings of the Board of Directors may be called by or at the request of the President, Chairman, Vice-Chairman, Secretary, Treasurer or any two directors. Such meetings shall be held at the corporate office within the County of Cumberland or at such place as may be from time to time approved by the Board. <u>Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members' participation.</u></p>
Section 4.	<p><u>Notice of Meetings:</u> Annual or regular meetings of the Board of Directors may be held upon five (5) days notice. The person or persons calling a special meeting of the Board of Directors shall, at least twenty-four (24) hours before the meeting, give notice thereof by the usual means of communication. Such notice of a special meeting shall specify the purpose for which the meeting is called.</p>
Section 5.	<p><u>Waiver of Notice:</u> Any Director may waive notice of any meeting. The attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.</p>
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Section 6.	Quorum: A majority of the number of persons serving as Directors, or a majority of executive committee members at any time shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.
Section 7.	Manner of Acting: Except as otherwise provided in these By-Laws, action by a majority of the Directors present at a meeting in which a quorum is present shall be an act of the Board of Directors.
Section 8	Executive Committee. The Executive Committee shall be comprised of the Chairman of the Board, Vice Chairman, Secretary and Treasurer. The Chairman of the Board will serve as Chairman of the Executive Committee. The Executive Committee coordinates the activities of the Board of Directors, evaluates the President's performance and exercises the authority of the Board of Directors when a quorum of board members cannot be established for a regular or specially called meeting. Any actions taken by the Executive Committee shall be reported to the full board at the next board meeting. The Executive Committee will not have authority to: a) rescind any action taken by the Board of Directors; b) amend or repeal Articles of Incorporation or By-Laws; c) merge, consolidate or voluntarily dissolve the Corporation; d) sell, lease, exchange, mortgage, pledge or otherwise dispose of property; e) select or remove the President; or f) obligate the Corporation to any contract or expenditure of funds in excess of \$10,000.
Article V	
OFFICERS	
Section 1.	Officers of the Corporation: The officers of the Corporation shall consist of the Chairman of the Board, Vice Chairman, Secretary, and Treasurer, and such other officers as the Board of Directors may from time to time elect. Officers of the Corporation must be members of the Board of Directors.
Section 2.	Election and Term: The officers of the Corporation shall be elected by the Board of Directors at the April meeting for a term of one year commencing on July 1 of the following year.
Section 3.	Removal: Any officer elected or appointed by the Board of Directors may be removed by the Board when in the judgment of the Board the

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	best interest of this Corporation will be served thereby.	
Section 4.	Vacancies: Vacancies among officers of the Corporation may be filled by a vote of a majority of the Board at any annual, regular, or special meeting of the Board of Directors.	
Section 5.	Chairman: The Chairman shall, when present, preside at all meetings of the Board of Directors. <u>He/She shall sign with any proper officer, instruments which may be lawfully executed on behalf of the Corporation, except where required or permitted by law to be otherwise signed and executed, and except _____ where the signing and execution thereof shall be delegated by the Board of Directors to some other officer or agent. In general, he/she shall perform all duties incident to the office of the Chairman and such other duties as may be prescribed by the Board of Directors from time to time.</u>	<div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div> <div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div>
Section 6.	Vice-Chairman: The Vice-Chairman shall, in the absence or disability of the Chairman, perform the duties and exercise the powers of that office. In addition, <u>he/she shall perform such duties and have such other powers as the Board of Directors shall prescribe.</u>	<div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div>
Section 7.	Secretary: The Secretary shall be responsible for keeping accurate records of the acts and proceedings of all meetings of the Board of Directors. <u>He/She shall be responsible for giving all notices required by law and by these By-laws. He/She shall have general care of all corporate books and records. He/She shall sign such documents as may require his signature, and, in general, perform all duties incident to the office of Secretary and such other duties as may be assigned him/her from time to time by the Chairman or by the Board of Directors.</u>	<div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div> <div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div> <div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div> <div>Formatted: Font: (Default) Calibri, Not Bold</div> <div>Formatted: Font: (Default) Calibri</div>
Section 8.	Treasurer: The Treasurer shall oversee the financial aspects of the Corporation without having direct custody of funds and securities belonging to the Corporation; provided that the Board may appoint a custodian or a depository for any such funds or securities and the Board may designate those persons upon whose signatures or authority such funds may be disbursed or transferred.	
	<p style="text-align: center;">Article VI</p> <p style="text-align: center;">MISCELLANEOUS</p>	
Section 1.	Contracts: The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation, and such authority may be general or confined to specific instances.	
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Section 11. **Indemnification:** Any person who at any time serves or has served as a director, officer, employee or agent of the Corporation, or in such capacity at the request of the Corporation for any other corporation, partnership, joint venture, trust or other enterprise, shall have a right to be indemnified by the Corporation to the fullest extent permitted by law against (a) unreasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection with any threatening, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by him/her, in connection with any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by or on behalf of the Corporation, seeking to hold him/her liable by reason of the fact he/she was working in such capacity, and (b) reasonable payments made by him/her in satisfaction of any judgment, money decree, fine, penalty or settlement for which he/she may have become liable in any such action, suit or proceeding.

The Board of Directors of the Corporation shall take all such action as may be necessary and appropriate to authorize the Corporation to pay the indemnification required by this bylaw, without limitation, to the extent needed, _____ making a good faith evaluation of the manner in which the claimant for _____ indemnity acted and of the reasonable amount of indemnity due him/her.

Any person who at any time after the adoption of this Bylaw serves or has served in any of the aforesaid capacities for or on behalf of the Corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this Bylaw.

In addition to all of the foregoing, the Board of Directors shall purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability.

Section 12. **Amendments:** These By-Laws may be amended or replaced and new By-Laws may be adopted only by the affirmative vote of two-thirds (2/3) of the Board of Directors. However, Article IV, and this section (Article V, Section 12) may only be amended or replaced by the affirmative vote of

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two-thirds (2/3) of the Board of Directors and with the approval of the Cumberland County Board of Commissioners.

These Bylaws were adopted at a meeting of the Board of Directors of Fayetteville Area Convention & Visitors Bureau, Inc. on _____, 2021.

Amy Cannon
Secretary

James Grafstrom
Treasurer

These Bylaws were approved at a meeting of the Cumberland County Board of Commissioners on _____, 2021.

Charles Evans
Chairman

Candice H. White
Clerk to the Board

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Ms. Cannon acknowledged FACVB Interim CEO Randy Fiveash and Business Manager Kelly Brill and stated the FACVB Board of Directors asked Mr. Fiveash to review the bylaws when he came on aboard. Ms. Cannon presented the background information recorded above and stated the FACVB is requesting approval of the bylaw amendment they approved centered around virtual meetings/communications and makeup of the Board of Directors to diversify the seats. Ms. Cannon reviewed the draft of the Board of Directors’ membership roster that was provided as a handout.

Commissioner Adams stated when looking at the other ex-officio non-voting members, he did not think the ASOM should be a voting member because the FACVB and ASOM receive TDA funds and he views this as a conflict. Commissioner Adams stated the ASOM voting position should be turned into a voting At-Large position appointed by the Board of Commissioners. Commissioner Adams referenced the section about the removal of board members appointed by the FACVB and stated there is no procedure/process provided relative to the removal. Discussion followed. Commissioner Adams stated he likes that the hotels/motels are no longer restricted to the owners and asked how the local business position was defined. Ms. Cannon stated it would be a business representative operating an attraction, restaurant or other local business affected by tourism.

- MOTION: Commissioner Adams moved to approve with the ASOM becoming a County Commissioner At-Large for a Local Business, and that within six months the FACVB brings back the provision for removing a member from the Board of Directors.
- SECOND: Commissioner Boose
- VOTE: UNANIMOUS (6-0)

F. Amendment to the Personnel Ordinance, Section 501 (f)

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BACKGROUND

In an effort to be prepared for audits of expenditures from American Rescue Plan Act funds, staff have been carefully reviewing County policy in comparison to federal procurement standards, all within the code of federal regulations, specifically § 2 CFR 200.317-327. It was found that the Code of Ethics, Conflict of Interest section of the current Personnel Ordinance could be amended to include more restrictive language as reflected in § 2 CFR 200.318(c)(1).

The draft amendment to the Personnel Ordinance, Code of Ethics section is attached with changes shown in red font.

RECOMMENDATION / PROPOSED ACTION

Staff recommend forwarding the amended Personnel Ordinance to the August 16, 2021 Board of Commissioners meeting as a Consent Agenda item with an approval to amend the Ordinance.

Sec. 501. Code of ethics.

(a) Declaration of policy. It is the policy of the county that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county employees is adopted.

(b) This code has four purposes as follows:

- (1) To encourage high ethical standards in official conduct by county employees;
- (2) To establish guidelines for ethical standards of conduct for all county employees by setting forth those acts or actions that are incompatible with the best interests of the county;
- (3) To require that county employees disclose private financial or other interests in matters affecting the county; and
- (4) To serve as a basis for disciplining and/or punishing those employees who refuse to abide by its terms.

(c) Definitions. As used in this code of ethics, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) Business shall mean a corporation, partnership, sole proprietorship, firm, organization or other legal entity carrying on business;
- (2) Confidential information shall mean information which is not available to the general public and which is obtained only by reason of an employee's position.
- (3) County shall mean the County of Cumberland.
- (4) Employee shall mean all officials, officers, members and employees, whether elected or appointed and whether paid or unpaid, of the government of the county and of all of its agencies. Employees shall include former employee if the violation occurred during county employment.
- (5) Financial interest shall mean any interest which shall yield, directly or indirectly, any monetary or other material benefit to a county employee. The term, financial interest, shall not include the employee's salary or other compensation received pursuant to county employment. The fact that an employee owned ten percent or less of the stock of a corporation or has a ten percent or less ownership in any business entity or is an employee of said business entity does not create a financial interest.

- (6) Official act shall mean an official decision, vote, approval, disapproval or other action which involves the use of decision-making authority.
 - (7) Personal interest shall mean any interest arising from blood or marriage relationships or from employment or business whether or not any financial interest is involved. A blood or marriage relationship for the purpose of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.
 - (8) Political activity shall mean any act aimed at supporting or opposing the election of any candidate for public office or supporting or opposing a particular political party.
- (d) Standards of Conduct. Employees must in all instances maintain their conduct at the highest standards. Official conduct guided by high ethical standards gives the public confidence in the integrity of its government and assures the public that government is responsible to the people. The following standards of conduct are goals which public employees should strive to attain so as to avoid even the appearance of impropriety in the conduct of the public's business:
- (1) Employees have an obligation to act morally and honestly in discharging their responsibilities;
 - (2) Employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct;
 - (3) Employees shall not improperly use, directly or indirectly, their county positions to secure any financial interest or personal benefit for themselves or others;
 - (4) Employees shall not use nor attempt to use their positions to improperly influence other employees in the performance of their official duties; and
 - (5) While in the conduct of their official duties employees shall not nor request other employees to grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or to make available to the public at large.
- (e) Use of County Resources.
- (1) No employee shall use or permit the use of county employees or county-owned material, property, funds, or other resources of any kind for the private gain, personal benefit, or political advantage of any person, except where such use is made available to the public at large. Nothing herein shall be interpreted or construed to limit the use of county-owned facilities for public gatherings in accordance with established facilities use policies.
 - (2) County-owned vehicles shall not be used for the personal business of any employee. No county automobile shall be used by a county employee going to or from home, except when such use is for the benefit of the county and such use has been authorized by the department head, county manager or sheriff.
- (f) Conflict of Interest.
- (1) No employee shall engage in any employment or business which conflicts with the proper discharge of his or her official duties.
 - (2) No employee shall have a financial interest, directly or indirectly, in any transaction with any county agency as to which the employee has the power to take or influence official action. No employee shall take or influence official action in any transaction with any

county agency that would confer a benefit based on a personal interest where such benefit is not made available to the public at large.

(3) If an employee has any direct or indirect financial interest in the outcome of any matter coming before the agency or department of which he or she is a member or by which he or she is employed, such employee shall disclose on the record of the agency or department and to his superior or other appropriate authority the existence of such financial interest. An employee having such an interest shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. However, the excusal from voting by members of the board of county commissioners shall be governed exclusively by G.S. § 153A-44.

(4) No employee shall represent or appear on behalf of any individual or entity, either personally or through an associate or partner, against the interests of the county or any of its agencies in any action or proceeding in which the county or any of its agencies is a party, unless the action or proceeding is sufficiently remote from his official duties, so that no actual conflict of interest exists.

(5) Nothing herein shall be interpreted or construed to prohibit any employee from exercising his or her legal rights as to his or her own personal interests in processing a claim against, making a request to the county or any of its agencies or in defending a claim made against him or her by the county or any of its agencies, or to prohibit an employee from testifying as a witness in any administrative or judicial proceeding.

(6) No employee may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees may neither solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. (Reference § 2 CFR 200.318(c)(1).

(g) Confidential Information.

(1) No employee shall, without legal authority, disclose confidential information gained as a result of his or her employment or position with the county.

(2) No employee shall use confidential information gained as a result of his or her employment or position with the county to advance his or her own financial or personal interest or the financial or personal interests of any other person.

(3) Nothing in this subsection shall be construed as prohibiting the disclosure of information required by law to be disclosed.

(h) Gifts, Gratuities, and Favors. No employee shall knowingly solicit or accept a gift, whether in the form of money, things, favor, loan or promise, or gratuity, from any person or entity which, to the employee's knowledge, is interested directly or indirectly, in any manner whatsoever, in a transaction with the county or any of its departments or agencies as to which the employee has the power to take or influence official action. This section is not intended to prevent the gift and/or receipt of the following:

(1) Honorariums in an amount not to exceed \$25.00 or expenses to include meals, travel and lodging for participating in meetings, seminars, conferences, grand openings, or anniversary celebrations of businesses, or other similar activities where the official or employee is either a speaker, participant or invited in his or her official capacity;

(2) Nominal advertising items or souvenirs of \$25.00 or less in value, or meals furnished at banquets;

- (3) Customary gifts or favors received by any employee from friends, relatives or other employees where it is clear that it is the relationship of the donor which is the motivating factor for the gift or favor;
 - (5) Gifts, favors, discounts, and gratuities offered by commercial enterprises to members of the general public; and
 - (6) Political contributions by elected county officials.
- (i) False Statements Prohibited.
- (1) No employee shall willfully make any false statement, or in any manner commit any fraud, conceal any wrongdoing or fail to answer fully and truthfully questions about wrongdoing connected with the business of the county or connected with the work-related conduct of any county employee.
 - (2) No employee shall willfully make any false statement, certificate, mark, report or rating with the intent to obtain public funds or other public benefit for himself or herself or anyone else to which the employee or such other person is not by law entitled or otherwise authorized.
 - (3) No person seeking appointment to, or promotion in, the service of the county, shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion; provided, however, that this provision shall not apply to payments made to duly licensed employment agencies or educational institution.
- (j) Nepotism Prohibited. No relative of a of a county employee, by blood or marriage, may be employed in any position with the county in which the employee may be able to supervise directly or control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed. Relative for the purposes of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.
- (k) Outside Employment. Except for county elected officials or appointees, no employee shall engage in outside employment without prior approval of the employee's department head. Approval will be granted except where the employment has a probability of creating a conflict with the performance of the county's business or creating a division of loyalty, or where the performance of the outside duties would most likely impair the employee's ability to perform his or her county duties.
- (l) Political Activity.
- (1) Generally. Every employee of the county has a civic responsibility to support good government by every available means and in every appropriate manner except where in conflict with the law. County employees may join or affiliate with civic organizations of a political nature, may attend political meetings, may serve as officers of civic or political organizations, and may advocate and support principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States and North Carolina.
 - (2) Prohibitions. No employee of the county shall:
 - (a) Engage in any political activity while on duty, unless serving as an elected county official;

- (b) Place any pressure, direct or indirect, on any employee to support any candidate or party, contribute to, solicit for, or act as custodian of funds for political purposes;
 - (c) Offer any county position, promotion, job related benefit, remuneration or other advantage to any person as a reward for political activity or support;
 - (d) Take adverse action against any employee based on that employee's engaging in or refusing to engage in permitted political activity; or
 - (e) Permit or require any county employee to engage in political activity while the employee is on duty.
- (3) Candidates running for public office; etc. Engaging in political activity while on duty shall not include the casual greeting or encounter by employees with persons running for public office. Candidates for public office visiting public offices shall be received and treated with respect. For the purpose of this section, employees who are on authorized breaks or on lunch periods shall not be deemed to be on county time.
- (m) Violations. Any violation of this section shall be deemed improper conduct and may subject an employee to disciplinary action, dismissal, or removal, as appropriate. Additionally, a violation of subsection (e), use of county resources, or subsection (i), false statements prohibited, is declared a misdemeanor and may be punished as provided by law. The board of county commissioners, upon notice and hearing, may declare void and rescind any contract, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit certificate, ruling, decision, performance of any service, or transfer or delivery of anything which the board determines was awarded, granted, paid, furnished, or otherwise performed in violation of this article.

This ordinance **amendment** shall become effective at the time it is adopted and shall repeal and supersede the Cumberland County Personnel Ordinance in effect at the time this ordinance is adopted.

Adopted by the Board of Commissioners in regular meeting **August 16, 2021**.

Vicki Evans, Finance Director, presented the background information recorded above.

MOTION: Commissioner Lancaster moved to forward the amended Personnel Ordinance to the August 16, 2021, Board of Commissioners' meeting as a consent agenda item with a recommendation for approval.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

G. Radio Tower Lease Agreement with the North Carolina Department of Agriculture and Consumer Services - Division of Forest Services

BACKGROUND

The NC Department of Agriculture and Consumer Services - Division of Forest Services wishes to renew an existing agreement for radio antennae space on the tower located atop 109 Bradford Avenue, a County-owned facility. The continued use of the space on the tower provides more effective and efficient services to the citizens of Cumberland County without any negative impact to existing operations. This serves as a benefit to the County and surrounding region and more specifically the fire departments of Cumberland County who may need to communicate directly with local NC Forest Service staff.

The terms of the agreement are proposed as follows without major changes:

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- Three-year term commencing August 1, 2021 and ending July 31, 2024 (last negotiated in 2018)
- Rent of \$10.00 (TEN DOLLARS) for the entire three-year term
- Lessor provides and maintains existing antennae, connections, and headend building while Lessee provides and maintains its headend equipment
- Lessor provides utilities and environmentally controlled headend building (utilities are singly metered for entire facility and therefore cannot be split out)
- Lessee is self-insured

Attached is a copy of the proposed agreement. The intent to lease does not have to be advertised since the proposed agreement is between government entities.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board approve moving this item to the August 16, 2021 Board of Commissioner's Meeting as a consent agenda item.

Tracy Jackson, Assistant County Manager, presented the background information recorded above.

MOTION: Commissioner Council moved to forward to the August 16, 2021, Board of Commissioner's meeting as a consent agenda item.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

H. Amended Scope of Work with the Wooten Company for the Board of Commissioners Meeting Room and Associated Budget Ordinance Amendment # 220082

BACKGROUND

At the April 8, 2021 Board of Commissioners' Agenda Session, a representative from the Wooten Company presented two meeting room concepts to the Board. After the presentation, the Board instructed staff to arrange visits with the architect to the Historic Courthouse for the Commissioners and to bring the item back for further discussion at the next Agenda Session. Wooten reached out to the Board and arranged a visit to the Historic Courthouse Courtroom on April 16, 2021, at which time the proposed meeting room concept was explained in greater detail.

To recap, the Wooten Company has identified the following costs associated with the proposed renovation: Historic Courthouse Courtroom: \$2,573,000 and the Cumberland County Courthouse - Rooms 118 & 119: \$2,235,500.

A conceptual design would be developed to allow the Commissioners to understand the related building renovations required to support the use of the Courtroom at the Historic Cumberland County Courthouse.

- The above cost estimate for the Historic Courthouse does not include:
- Elevator Modernization Costs (proposed in FY22 CIP at \$250,000)
- 2nd floor bathroom renovations and ADA up-fit
- Addition of an Executive Meeting Room
- Technology Infrastructure Improvements

If renovated, this would lead to significant plumbing upgrades, a major difference in the appearance of the Historic Courthouse from one floor to the next due to a major renovation of most of the second floor and displacement of County second floor personnel. To address this issue, the Board then directed that the Staff work in determining the costs associated with renovating the basement through the third floor.

The new expanded scope will include the following:

- Offices for County Commissioners (up to 9)
- County Manager's Office

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- Clerk to the Board
- County Attorney's Office
- Public Information Office (PIO)
- Budget Staff

Commissioners Room related items added from the above-mentioned previous concept include restoration of the balcony and the seating area under the balcony; accessible restrooms at the new Commissioners' Room level; and an Executive Session Room.

Attached to this memo is a proposal from the Wooten Company to complete an additional scope of work, determining the above costs associated with renovations at the Historic Courthouse, in the amount of \$32,875.00 and to be completed in 35 days after approval of the proposal.

This item was returned to the August 10, 2021, Board of Commissioners' Agenda Session after previously being listed as an Item of Business for the May 17, 2021, Board of Commissioners' Regular Session and the June 10, 2021, Board of Commissioners' Agenda Session.

RECOMMENDATION / PROPOSED ACTION

Staff is seeking guidance as to whether the Board of Commissioners desires to move forward with the expanded design scope for the Commissioners' Meeting Room and related building renovations to the Historic Courthouse and if so, requests Budget Ordinance Amendment #220082 be forwarded to the Consent Agenda for the August 16, 2021, Board of Commissioners Meeting for approval.

Jermaine Walker, County Engineer, presented the background information recorded above beginning with a recap of what led to the additional scope of work to determine costs for renovations at the Historic Courthouse. In response to questions posed by Chairman Evans, Ms. Cannon and Mr. Walker clarified the scopes of work associated with the proposed renovations. Commissioner Council stated to move in this direction eliminates prior studies to either enlarge the courthouse or construct a general government services building. Commissioner Council asked where the money was coming from. Commissioner Adams asked how many commissioners want to move to the Historic Courthouse because money keeps being spent for studies and if commissioners don't want to move to the Historic Courthouse, there is no reason to keep doing this. Commissioner Adams stated he did not favor going to the Historic Courthouse and he is not in favor of spending any more money. Questions and discussion followed. Chairman Evans asked that Item 4.H. and Item 4.I. be dealt with at the same time. Commissioner Boose stated it is his understanding that the courthouse was structurally constructed to go up two more floors if necessary so the same square footage can be done two more times. Mr. Walker responded in the affirmative. Commissioner Boose stated two more floors should be an option.

I. Request for Qualifications (RFQ) for Consultant Services for a General Government Services Building

BACKGROUND

On May 3, 2021, Cumberland County advertised a Request for Qualifications for a General Government Services Building Space Utilization and Site Analysis study. The Study will examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building. Additionally, the study will include conceptual design of the future facility and subsequent reuse and improvements to the three existing facilities. The Study will be used by County Commissioners and County Management to make determinations about the location and usage of the future General Government Services Building, as well as proposed use and improvements to the existing facilities. The final report will be presented to the Board of Commissioners and be utilized to continue the project into the design and construction phases. Additionally, the County may choose to retain the selected firm for performance of the design and construction administration services, should the firm be qualified, and it be in the best interest of the County.

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The response period closed on May 28, 2021, with six firms responding. The Engineering and Infrastructure Department created a five-member selection committee to evaluate each response based upon the criteria outlined in the RFQ. For the six (6) proposals for the RFQ for “General Government Services Building Space Utilization and Site Analysis Study,” each evaluator had the same 30 qualifying questions with scoring from 1 to 5.

With 5 being the highest and 1 being the lowest. The final ranking is below. Of a possible 750 points for each proposal (30 questions X 5 points max X 5 evaluators = 750), ranking is as follows:

1. **Creech & Associates, 594 total points.**
2. **Oakley Collier Architects, 528 total points.**
3. Boomerang Design, 514 total points.
4. Jenkins Peer Architects, 476 total points.
5. CJMW Architecture, 465 total points.
6. LS3P, 464 total points.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board accept the selection of Creech and Associates as the preferred choice to conduct the General Services Building Space Utilization and Site Analysis Study and grant permission to enter negotiations for refined scope and final price at which time we will present to the Board for approval. Staff requests this item be moved forward to the August 16, 2021 Board of Commissioners Regular Meeting as a Consent Agenda item.

Mr. Walker presented the background information recorded above. Commissioner Adams asked if the study would also include a location. Mr. Walker responded in the affirmative and stated the final report will be provided to the Board of Commissioners and utilized to continue the project into the design and construction phase. Mr. Walker called attention to the six responses as contained in the agenda packet and presented the recommendation/proposed action recorded above. Chairman Evans called for a motion. Commissioner Adams stated he would provide the following dual motion for Item. 4.H. and Item 4.I. Commissioner Adams also requested that it move forward to the August 16, 2021, meeting as an item of business so Commissioner Keefe, who has been the driver behind the Historic Courthouse, can have his say. Chairman Evans stated he felt it should be placed on the consent agenda because it can be pulled for separate discussion and action. Commissioner Adams stated he will concur if that is the consensus.

MOTION: Commissioner Adams moved to cease looking at the Historic Courthouse and to approve the request for qualifications to move towards the general services building and that these items be moved forward to the August 16, 2021 Board of Commissioners’ regular meeting as consent agenda items.

SECOND: Commissioner Council

VOTE: PASSED (5-1) (Commissioners Lancaster, Council, Evans, Adams and Stewart voted in favor; Commissioner Boose voted in opposition)

With the vote not being unanimous, the items will move forward as items of business.

J. Amendments to Rules 6 and 26 of Board's Rules of Procedure

BACKGROUND

The Board’s Rules of Procedure are to be republished to incorporate amendments. Incident to that republication, the Clerk and the County Attorney recommend the additional amendments to Rules 6 and 26 set out in red font in the attachment. These amendments are consistent with the Board’s practice of denying the presentation of video on those occasions when speakers have requested to do so during the public comment period.

RECOMMENDATION / PROPOSED ACTION

County Attorney and Clerk to the Board recommend approval of the proposed amendments to

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Rules 6 and 26 of the Board's Rules of Procedure to prohibit electronic media presentations during public comment period and limit electronic media presentations during public hearings.

Proposed Amendments to Rules 6 and 26 of the Board's Rules of Procedure

Rule 6 Regular Meetings:

- First Monday of the Month at 9:00 AM
- Second Thursday of the Month at 1:00 PM as an Agenda Session
- Third Monday of the Month at 6:45 PM

If a regular meeting falls on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified by the Board of Commissioners. (Note: The Board of Commissioners adopts its regular meeting schedule at its first regular meeting in December. The schedule is posted on the county website).

A public comment period shall be the first item of business at the 3rd Monday of the month meeting. Comments shall be limited to three minutes per person. **No electronic media presentations will be permitted in the public comment period.** and the Board of Commissioners may adopt other rules for the conduct of the public comment period.

Meetings of the Board are held in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, unless otherwise specified by the Board of Commissioners.

The Board may change or cancel the time or place of a particular regular meeting by motion adopted and posted on the courthouse bulletin board on the lower level of the courthouse and on the front door of the courthouse at least seven days before the change takes place. Notice of change must be sent to the County Sunshine List.

Rule 26 Public Hearings:

For all public hearings except those held for rezoning cases and those conducted as quasi-judicial proceedings, the time limit for each speaker shall be three minutes. For public hearings on rezoning cases, the total time limit shall be ten minutes for the proponent side and ten minutes for the opponent side, broken up into three minutes for each speaker or five minutes for a speaker representing a group. If there is only one speaker, he/she may use five minutes. For any public hearing conducted as a quasi-judicial proceeding, those persons for whom the Board has found standing to speak shall be allowed sufficient time to present relevant and material testimony. Persons desiring to speak at a public hearing must register with the Clerk prior to commencement of the meeting.

The Board of Commissioners reserves the right to limit the length of public hearings to avoid redundant or repetitive comment or testimony. **No electronic media presentations will be permitted in public hearings except those presented by County staff or a consultant hired by the County.**

Rick Moorefield, County Attorney, presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Lancaster moved to approve the proposed amendments to Rules 6 and 26 of the Board's Rules of Procedure and forward to the August 16, 2021 Board of Commissioners' regular meeting as a consent agenda item.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

5. OTHER ITEMS

A. Request for an Animal Services Shelter Veterinary Health Technician

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

Ms. Cannon acknowledged the needs at the Animal Shelter and this request should have been handled during the budget process; this request centers around significant staffing needs to continue the program started by Dr. Kelley that significantly reduced the euthanasia numbers.

Mr. Jackson presented the following bulleted information:

- Dr. April Kelly was hired in October of 2018, and she is the first full-time Shelter Veterinarian to serve Cumberland County
- Dr. Kelly has done a great job building a shelter medicine program from scratch with very little equipment or staff
- Since being hired, Dr. Kelly has personally done or overseen 3,655 spay/neuter surgeries. This is 43% of the total number of surgeries done at the shelter (8,449) by ALL participating veterinarians. As a side note, these same surgeries done by outside veterinarians would have cost the County \$186,362. Dr. Kelly also assesses and treats animals in the shelter each workday. This is critical to help reduce the spread of communicable diseases at the shelter and improve the odds of animals to be adopted.
- There is still a tremendous need to find other veterinary providers to assist the Shelter with spay/neuter surgeries for our adoptable animals. Dr. Kelly was instrumental in developing a relationship with Fort Bragg that allows Army Veterinarians to perform spay/neuter surgeries at our shelter. Unfortunately, we are experiencing a decrease in surgery appointments at local veterinary practices as they experience staffing shortages and an increased demand for their services. This is currently placing a greater burden on our county staff to perform more spay/neuter surgeries in-house.
- (Hand out Table 1) As one of the largest NC counties with one of the highest annual animal intake totals, staff felt it important to perform a review of comparison counties to assure that we are adequately staffed and not overextending our existing personnel. The review has shown a disparity between our ratio of veterinary health staff to our veterinarian. Typical staffing in similar counties is 3 - 4 staff for each veterinarian. Our ratio is 1 staff person to 1 veterinarian.
- One full-time employee is assigned to the Veterinarian for shelter medical care and surgeries. The Animal Services Director has considered reclassifying another existing position but were not able to do so because the shelter has current vacancies, a few employees on leave, and it is difficult to staff all areas of the shelter adequately with existing positions now. The Director also looked at creating a part-time position, but the workload is greater than what can be covered utilizing a part-time position and requires a full-time worker. Animal Services has requested one (1) vet health tech per year for the last two fiscal years, but unfortunately Animal Services did not provide adequate supporting information justifying the request.

Mr. Jackson presented the following request:

- Shelter Veterinarian Salary Study/Market Adjustment
 - Staff has requested a market study to assure our Shelter Veterinarian is paid appropriately based on the market for Shelter Veterinarians
- Request for (2) Animal Services Shelter Veterinary Health Technicians
 - Requesting base salary of \$33,184.86 plus fringe/benefits of \$16,593.59; total of \$49,778.45 per position (\$99,556.90 for two positions)

Commissioner Adams stated he felt more than two technicians are needed and he would ask Ms. Cannon for up to four so it is not handled piece meal. Commissioner Lancaster concurred and stated he would like to explore the possibility of looking for another veterinarian. Commissioner Boose stated he knows retired veterinarians that may want to work part-time.

MOTION: Commissioner Boose moved to authorize the County Manager to hire up to four vet technicians to assist the Cumberland County Animal Shelter and forward to the August 16, 2021, regular meeting of the Board of Commissioners as a consent agenda item.

AMENDED MOTION: Commissioner Lancaster as an amendment to the motion to authorize the County Manager to hire up to four vet technicians to assist the Cumberland County Animal Shelter and forward to the August 16, 2021, regular meeting of the Board of Commissioners as a consent agenda item and explore the possibility of

contracting with a part-time veterinarian and forward to the August 16, 2021 regular meeting of the Board of Commissioners as a consent agenda item.
SECOND TO AMENDED MOTION: Commissioner Council
VOTE ON AMENDED MOTION: UNANIMOUS (6-0)

B. Update on Opioid Litigation Settlement

Mr. Moorefield stated North Carolina’s share of the settlement will be distributed among State and local government pursuant to a Memorandum of Agreement, which is the best thus far for states having signed agreements. Mr. Moorefield explained the issue with the MOA as it relates to the attorneys’ fees. Mr. Moorefield stated he thinks the issue will be resolved prior to the November 21 deadline and the reason he has not provided an earlier update is that he thought it would have been worked out before now.

Commissioner Adams inquired about the two opioid lawsuits. Moorefield stated it has all been lumped together now and the agreement with the State is now called the Distributors’ National Settlement Agreement. Mr. Moorefield stated the agreement the NCACC is pushing allocates 85% of the money to 100 counties and 17 cities, the parties eligible for funding. Mr. Moorefield stated Cumberland County is either second or third in the amount of money that would be allocated under that agreement, but the only problem with that agreement is that it restricts the way the money can be spent for opioid impact remediation and attorneys’ fees cannot be paid out of the money. Mr. Moorefield stated every county in the State does not have the same contract; the form of contract Cumberland County has is what most counties have. Mr. Moorefield stated the way the national agreement reads, counties making up 60 % of the population must agree to the State allocation formula that has been worked out; Cumberland and Durham are the two large counties that have not agreed. Mr. Moorefield stated the reason State is pushing so hard is that there are severe penalties in the state allocation unless there is 100% participation by all counties and cities that are parties in the litigation.

6. MONTHLY REPORTS

A. Financial Report

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2021, June year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed - for discussion and information purposes only.

County of Cumberland General Fund Revenues						
REVENUES	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE	
Ad Valorem Taxes						
Current Year	\$ 166,739,244	\$ 165,908,675	\$ 165,908,675	\$ 169,200,461	102.0% (1)	
Prior Years	817,964	897,000	897,000	1,629,364	181.6%	
Motor Vehicles	20,340,183	19,955,512	19,955,512	20,925,581	104.9% (2)	
Penalties and Interest	773,447	712,000	712,000	703,134	98.8%	
Other	835,588	1,025,000	1,025,000	1,012,111	98.7%	
Total Ad Valorem Taxes	189,506,426	188,498,187	188,498,187	193,470,650	102.6%	
Other Taxes						
Sales	47,282,838	41,542,711	42,205,011	40,588,290	96.2% (3)	
Real Estate Transfer	1,689,875	1,450,000	1,450,000	2,215,078	152.8%	
Other	909,559	959,000	959,000	847,568	88.4%	
Total Other Taxes	49,882,272	43,951,711	44,614,011	43,650,936	97.8%	
Unrestricted & Restricted Intergovernmental Revenues	61,437,895	68,389,413	78,954,370	57,618,575	73.0% (4)	
Charges for Services	14,524,383	13,072,456	13,072,456	11,988,150	91.7%	
Other Sources (includes Transfers In)	3,048,166	1,710,608	1,876,237	1,448,307	77.2%	
Lease Land CFVMC	4,012,056	4,012,056	4,012,056	4,313,522	107.5%	
Total Other	7,060,222	5,722,664	5,888,293	5,761,829	97.9%	
Total Revenue	\$ 322,411,198	\$ 319,634,431	\$ 331,027,317	\$ 312,490,140	94.4%	
Fund Balance Appropriation		8,663,701	18,674,255	-	0.0%	
Total Funding Sources	\$ 322,411,198	\$ 328,298,132	\$ 349,701,572	\$ 312,490,140	89.4%	

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County of Cumberland General Fund Expenditures						
DEPARTMENTS	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE	**
Governing Body	\$ 612,702	\$ 674,975	\$ 693,619	\$ 608,400	87.7%	
Administration	1,682,579	1,814,947	1,835,664	1,663,180	90.6%	
<u>Public Affairs/Education</u>	661,051	885,902	898,331	734,006	81.7%	
Human Resources	1,009,126	1,009,875	1,028,519	936,251	91.0%	
Print, Mail, and Design	643,314	756,378	795,391	727,141	91.4%	
Court Facilities	114,371	156,220	156,220	108,810	69.7% ⁽¹⁾	
<u>Facilities Maintenance</u>	967,335	1,202,491	1,419,688	1,174,271	82.7%	
Landscaping & Grounds	690,227	702,394	727,182	688,206	94.6%	
Carpentry	211,909	228,058	234,890	218,243	92.9%	
<u>Facilities Management</u>	1,259,321	1,523,436	1,572,880	1,427,394	90.8%	
Public Buildings Janitorial	784,441	870,951	1,044,344	873,163	83.6%	
<u>Central Maintenance</u>	590,365	672,722	711,468	668,525	94.0%	
Information Services	5,552,864	5,323,420	6,073,408	4,828,609	79.5%	
Board of Elections	1,400,349	1,673,589	2,183,209	1,922,869	88.1%	
Finance	1,299,307	1,418,140	1,449,215	1,335,527	92.2%	
Legal	631,925	807,290	936,155	693,913	74.1% ⁽²⁾	
Register of Deeds	2,435,628	2,526,950	3,115,363	2,348,302	75.4%	
Tax	5,625,153	6,271,825	6,466,523	5,603,942	86.7%	
General Government Other	2,976,609	7,003,558	10,413,183	6,898,091	66.2% ⁽³⁾	
Sheriff	48,610,275	53,395,158	54,907,538	45,066,446	82.1%	
Emergency Services	3,655,978	4,310,596	4,562,457	3,898,887	85.5%	
Criminal Justice Pretrial	563,625	588,662	629,211	530,332	84.3%	
Youth Diversion	31,665	35,671	35,769	30,576	85.5%	
Animal Services	3,283,993	3,484,642	3,786,204	3,214,095	84.9%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,062,544	1,213,209	1,382,505	1,067,974	77.2%	
Health	21,068,569	24,301,667	30,445,942	21,993,246	72.2% ⁽⁴⁾	
Mental Health	5,316,988	5,519,255	5,524,942	5,428,755	98.3%	
Social Services	56,772,920	63,278,940	64,636,485	52,972,726	82.0%	
Veteran Services	426,127	452,713	465,142	431,285	92.7%	
Child Support	4,929,310	5,595,639	5,593,567	5,051,115	90.3%	
Spring Lake Resource Administration	29,503	34,542	34,542	27,577	79.8%	

County of Cumberland General Fund Expenditures						
DEPARTMENTS	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE	**
Library	10,168,162	10,036,208	10,505,184	9,418,390	89.7%	
Culture Recreation Other (Some of the Community Funding)	260,568	260,569	260,569	254,246	97.6%	
Planning	2,711,212	3,271,297	3,335,814	2,894,114	86.8%	
Engineering	978,925	585,162	592,711	389,327	65.7% ⁽⁵⁾	
<u>Cooperative Extension</u>	558,569	799,384	809,742	620,421	76.6%	
Location Services	192,231	257,796	269,929	193,358	71.6% ⁽⁶⁾	
Soil Conservation	183,211	151,537	2,708,097	208,061	7.7% ⁽⁷⁾	
Public Utilities	85,108	87,602	95,066	91,526	96.3%	
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%	
Industrial Park	2,220	2,212	20,087	17,535	87.3%	
Economic Incentive	402,406	461,947	709,947	632,132	89.0%	
Water and Sewer	20,287	250,000	400,189	143,254	35.8% ⁽⁸⁾	
Education	94,408,174	94,411,029	95,073,329	93,323,739	98.2%	
Other Uses:						
Transfers Out	30,131,528	19,969,574	21,141,352	19,729,158	93.3%	
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 349,701,572	\$ 301,107,114	86.1%	

Expenditures by Category	FY19-20 UNAUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE
<u>Personnel Expenditures</u>	\$ 131,852,636	\$ 149,112,328	\$ 149,154,531	\$ 129,708,777	87.0%
<u>Operating Expenditures</u>	151,277,149	158,589,325	177,038,611	149,966,165	84.7%
Capital Outlay	1,761,361	626,905	2,367,078	1,703,014	71.9%
Transfers To Other Funds	30,131,528	19,969,574	21,141,352	19,729,158	93.3%
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 349,701,572	\$ 301,107,114	86.1%

B. Health Insurance Update

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County’s self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY21 are up 4.01% for the month of June as compared to the same month in FY20. To provide some perspective, below is the twelve-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 2020 and 2021. Additionally, graphs are provided in the attachment to aid in the analysis.

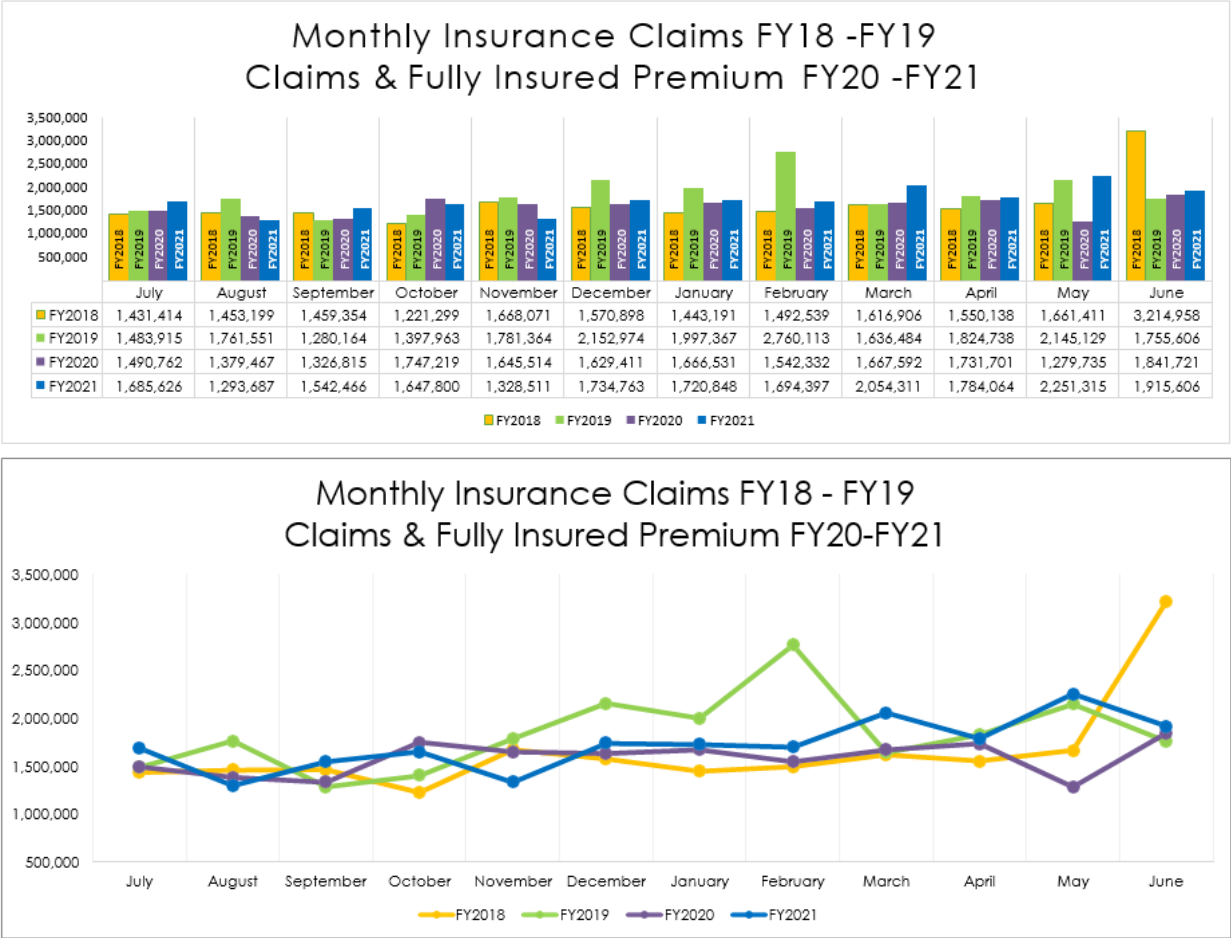
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Year to date claims and premium payment through June	\$20,653,396
Less year to date stop loss credits	(\$828,095)
Net year to date claims and premium payment through May	\$19,825,301

Average monthly claims and fully insured premium (before stop loss) per fiscal year June:

FY17	\$1,506,354
FY18	\$1,648,615
FY19	\$1,831,447
FY20	\$1,579,067
FY21	\$1,721,116

RECOMMENDATION / PROPOSED ACTION
For information only – no action needed.



Vicki Evans, Finance Director, stated there are trends in the county’s health insurance not reflected in the report recorded above because there is a lag time in the reports. Ms. Evans stated with the county having a self-funded plan, it has to provide upfront payment to BCBS on a weekly basis to fund health insurance claims and claims are settled after they go through stop-loss consideration. Ms. Evans stated during FY20, claims were around \$250,000 a week, in FY21 there were ranges between \$275,000 and \$325,000 per week and since the beginning of June 2021, claims have been more than \$500,000 per week. Ms. Evans stated this is an indication that claims are going to begin coming in more. Ms. Evans stated some of this was anticipated due to Covid but in FY20 and FY21, people were not having elective procedures. Ms. Evans stated when BCBS was contacted, they said there have been more elective procedures coming in, people are getting preventative screenings, and volume and utilization have increased; the summer of 2021 was predicated to be the largest of the post-Covid-19 surges for medical providers and that surge is being seen in almost all groups. Ms. Evans stated the county has four claimants in the high claims area. Questions followed. Ms. Evans stated if the trend continues and people continue to receive their elective procedures as in the past six weeks or so, then a budget revision will likely be needed to allocate fund balance to cover the cost of the health insurance fund. Ms. Evans stated it has been quite a while since this has been seen.

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C. Project Updates

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.8M	30% Complete. Completed mechanical, electrical (to include communication, audio visual and security), and fire protection rough ins. Poured footers for the addition. Experienced cold joint and GC is re-pouring. Footings and upper slab utilities for the Addition are proceeding. Coordinating registration and prep work for Communications Tower.	3/8/2021	360 days
Spring Lake Family Resource Center, Chiller Replacement	\$197,000.00	Project awarded to Boilermasters for \$197,000. Due to supply-chain issues expect equipment arrival mid-August, 2021. Expected completion is EOM October 2021.	N/A	90 days
LEC Elevator Modernization Project	\$1,362,557.00	Work on all 3 elevators is complete. Additional DOL-identified deficiencies have been corrected. Waterproofing is the only work remaining. Pending Change Order #6 estimated completion date is June 18, 2021. Project complete.	4/6/2020	179 days
Crown Coliseum ADA Bathroom and Ticket Booth Renovations	\$541,217.00	Overall construction approximately 99% complete. Still awaiting manufacturer shipment to complete application of Zolux to interior wall surfaces. Estimated completion date is June 30, 2021. Project complete.	9/14/2020	180 days
DSS Elevators	\$1,000,000.00	Working design now for Phase 2. Awaiting changes on final comments provided from Engineering Department for proposal. Estimating May 1st 2022 for completion.	N/A	N/A
Judge Maurice E. Braswell Courthouse Switchgear Replacement	\$470,000.00	Materials orders on July 30 th . Starting prep work in mid-September. On schedule for Thanksgiving weekend completion. Working additional transformer replacement project with PWC.		
Headquarters Library Parking Lot	\$37,200.00	Contract signed. Survey complete and design process underway.	5/13/2021	1/19/2022
Doorway for Register of Deeds	Pending	Received proposal for design and construction management service for \$12K. Awaiting Fleming and Associates signature on service agreement. Will re-solicit for bid after design is completed.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	Pending	Received proposal from Security 101 for \$219K. Awaiting fiscal year funding rollover approval before contract review by legal and finance.	N/A	N/A
Public Health Camera Replacement and Security System Upgrades	Pending	Received proposal from Security 101 for \$202K. Awaiting fiscal year funding rollover approval before contract review by legal and finance.	N/A	N/A
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	Pending	Received proposal from Security 101 for \$422K. Awaiting contract review by legal and finance.	N/A	N/A
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Finalized scope July 23 rd . Will put out for bid on August 13 th . Intent is to do LL bathroom first.	N/A	N/A
DSS roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A
LEC roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A

D. Community Development Update

BACKGROUND

This report provides a quarterly update on projects and activities being implemented through the Community Development Department for the Program Year period beginning July 1, 2020 and ending June 30, 2021. The funding sources used to carry out the projects and activities include the Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Continuum of Care (CoC) Program, CDBG- CV, Emergency Rental Assistance Program, and general funds.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for information purposes only.

COMMUNITY DEVELOPMENT UPDATE
FOR THE AUGUST 10, 2021
BOARD OF COMMISSIONER’S AGENDA SESSION

Projects Status as of July 31, 2021 FUNDING SOURCES

- U.S. Department of Housing and Urban Development (HUD)
 - Community Development Block Grant (CDBG)
 - Home Investment Partnerships Program (HOME)
 - Continuum of Care Program
- U.S. Department of Treasury
 - Emergency Rental Assistance Program
- Local General Funds

Community Development will present an end-of-year report to the Board of Commissioners at the regular meeting on September 20, 2021.

NEW PROJECTS / ACTIVITIES

Three-Year Homelessness Strategic Plan

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On January 19, 2021, Cumberland County issued a Request for Proposal to seek a consultant to analyze the provision of the homeless services delivery system in Cumberland County and develop a three-year actionable homelessness strategic plan. The scope of analyzation includes but is not limited to, reviewing existing services, identifying gaps and duplications across programs and services, and recommending improvements to the community's homeless service delivery system. Proposals were due February 19, 2021. The selection committee recommended OrgCode Consulting, Inc. The Consultant has completed the final Homelessness Strategic Plan to include the Gap Analysis Report. OrgCode presented the plan and report before the stakeholders and conducted a presentation before the County Board of Commissioners at the August 2, 2021 meeting.

Emergency Rental Assistance Program

In January 2021, the U.S. Department of Treasury allocated \$3,735,545 to Cumberland County and \$6,383,863 to the City of Fayetteville to implement the Emergency Rental Assistance Program established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No 116-260 (December 27, 2020). Cumberland County and the City of Fayetteville issued a joint Request for Proposal (RFP) on February 10, 2021 to seek a qualified firm to administer the Emergency Rental Assistance Program (ERAP). Five proposals were received in response to the RFP. The selection committee has made its recommendation for a consultant. The agreement with Innovative Emergency Management (IEM), Inc. was approved by the Board of Commissioners. IEM launched the application for the Rental Assistance Program on June 1, 2021, for both City and County residents. As of July 27, 2021, 2,965 applications have been received and \$689,090.31 are pending awards.

PROJECTS AND ACTIVITIES FOR JULY 1, 2020 – JUNE 30, 2021 FUNDING CYCLE

Public Services (Total awards = \$575,000 in CDBG funds)

- Better Health of Cumberland County (\$80,000) - to provide prescription medication, eye exams, eyeglasses, dental extractions, and transportation assistance to low to moderate income persons.
- Cape Fear Valley Hospital / Cumberland County Medication Access Program (\$30,000) - For prescription medication and supplies. Will serve low to moderate income persons.
- Cumberland HealthNET (\$80,000) - For two Homeless Coordinated Entry Specialists positions, supplies, and printing.
- Endeavors (\$95,000) - To provide case management, rent/mortgage assistance, and utility payment assistance for those who are homeless or at-risk of being homeless.
- Fayetteville Urban Ministry (\$145,000) - For case management, housing assistance, services, and supplies. Will serve those who are homeless or at-risk of being homeless.
- Kingdom Community Development Corporation (\$95,000) - To provide case management, rent/mortgage assistance, and utility payment assistance for those who are homeless or at-risk of being homeless. Agency is located in Spring Lake.
- The Salvation Army (\$50,000) - For shelter operating costs (supplies, rent, utilities, food, and maintenance). Will serve homeless individuals and families.

Note: CDBG funds normally have a cap of 15% of total allocation, which limits the amount that Community Development can award to public service activities. However, for the Program Years 2019 and 2020, the U.S. Department of Housing and Urban Development (HUD) suspended the cap during the COVID-19 crisis. This allowed Community Development to fund more agencies that provide human services such as rental assistance and health services.

Affordable Housing Development (Total Awarded = \$497,700 in CDBG and \$500,000 in HOME funds)

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- Action Pathways (\$113,300) – For rehabilitation of two housing units. This project will benefit low to moderate income residents.
- Hillside – FMHA LLC (\$187,400) – Installation of HVAC units at a senior complex. The Fayetteville Metropolitan Housing Authority has completed the project.
- Kingdom Community Development Corporation (\$197,000 in CDBG and \$500,000 in HOME funds) – For acquisition and construction of affordable housing units located in Spring Lake. The project is pending construction of the units.

Special Economic Development Activities

Community Development provided a conditional award letter to an applicant with an allocation amount of \$500,000 pending commitments from other funding sources and environmental review clearance. The estimated number of full-time equivalent jobs to be created is 100, with at least 51 jobs targeting low to moderate income persons.

CDBG-CV Funds (2nd Allocation) – Cumberland County received a second allocation of CDBG-CV funding from HUD in the amount of \$435,210, bringing the total allocation for CDBG-CV funds to \$944,404. An amendment to the Program Year 2019 Annual Action Plan was submitted to HUD to outline how funds will be allocated. The Community Development Department recommended the following allocations:

CDBG-CV	Allocation
FY-19-20 CDBG-CV	\$944,404
Administration	\$100,000
Public Services (Human Services)	\$500,404
Economic Development	\$344,000
Total CDBG-CV Allocations	\$944,404

Update on expenditures:

- Small Business Resiliency Program – Application process was reopened and will remain open until funds are no longer available. Awards have been provided to 23 businesses totaling approximately \$206K.
- Public Services – CDBG-CV funds will also be used to fund agencies providing public services. The Department of Public Health was awarded \$226,000 to expand health services related to COVID-19.
- Community Development is partnering with nonprofit agencies to use funds towards public services to assist with rental/utility payments and other unmet needs and administration (not to exceed 20% of the total).

OTHER ONGOING PROJECTS AND ACTIVITIES

Housing Rehabs (owner-occupied and rental) Public Facilities Rehab:

- Myrover-Reese Fellowship Home – serves individuals who are homeless and have a substance use disorder.
- Family Endeavors’ Reveille Retreat transitional housing – serves those who are homeless.

Disaster Recovery

Currently have a contract with The Wooten Company for construction documents, bidding, and construction administration in the amount not to exceed \$90,573. The Wooten Company presented the Robin’s Meadow design before the Board of Commissioners on June 11, 2020. The contract was approved by the Board on June 15, 2020. The Wooten Company has finalized documents and plans with the Fayetteville Technical Review Committee. An Invitation for Bid (IFB) for the construction of Robin’s Meadow was posted with a deadline of June 17, 2021. No bids were received. The IFB was reissued with a deadline of July 27, 2021 but eventually was cancelled. The IFB will be reposted within the next few months to allow for construction prices to stabilize.

Fayetteville / Cumberland County Continuum of Care (CoC) on Homelessness

The CoC Board meeting is held the fourth Monday of every month at 4:00 p.m.

Robin’s Meadow Transitional Housing (Grant Cycle: July 1, 2020 – June 30, 2021) - \$80,517

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County-owned property (12 apartment style units) is provided as transitional housing for homeless families with children. Cumberland County Community Development currently serves as grantee but will eventually transfer grantee responsibilities to another agency through a Request for Proposal process.

Safe Homes for New Beginnings (Grant Cycle: December 1, 200 – November 30, 2021) - \$59,957 Community Development currently partners with Family Promise (formerly Cumberland Interfaith Hospitality Network) for the provision of housing units and case management. Community Development is planning to transfer grantee responsibilities to Family Promise, pending the CoC approval.

Emergency Solutions Grant – CV

Cumberland County Community Development serves as the Collaborative Applicant / Lead Agency on behalf of the CoC in the submission of grant applications to the State for Emergency Solutions Grant. Each year the State allocates approximately \$129K for the Fayetteville / Cumberland County area. Last year, the State allocated an additional amount of ESG (COVID-19) funding in the amount of \$440,882 during round 1 of allocations and \$1,324,147 during round 2 of allocations to be used for Crisis Response (shelter operations & services), Housing Stability (rapid rehousing and homeless prevention), and street outreach. Community Development posted a Request for Proposal during both rounds of allocations on behalf of the CoC. All project applications were submitted along with the collaborative application by July 17th to the State for round 1. The State awarded ESG- CV funding to Endeavors in the amount of \$334,442 for housing stability and to the Salvation Army in the amount of \$106,400 for crisis response. For Round 2, Endeavors, Inc. was awarded funding to provide rental assistance and supportive services.

Homeless Initiative (City and County) – The next Homeless Committee meeting is TBD.

E. Community Development Block Grant - Disaster Recovery (CDBG-DR) Update

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a project funded through the Community Development Block Grant Disaster Recovery Program. The attached report is an update on the status of the project (Robin's Meadow Permanent Supportive Housing) undertaken by Cumberland County.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for informational purposes only.

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE FOR THE AUGUST 10, 2021 BOARD OF COMMISSIONERS' AGENDA SESSION

Status as of July 31, 2021:

Milestones/Activities (beginning with the most recent activity):

- Cumberland County Community Development (CCCD) had issued the Invitation for Bid (IFB) for the construction of the Robin's Meadow Permanent Housing Program. The bids from contractors were due by June 17, 2021. No bids were received. An IFB was reissued with a deadline of July 27, 2021. However, due to the low attendance at the pre-bid meeting and concerns of the fluctuation of price in construction, the IFB was cancelled. CCCD Director and the Wooten Company had expressed concerns to the State, during a recent conference call, regarding the challenges of obtaining bids and meeting the funding obligation by August 2021. The CCCD Director requested the State to amend the funding obligation date in the subrecipient agreement. The request is currently under review.
- The City of Fayetteville completed the final commercial review of the project. Within the next week, Cumberland County Community Development will post the invitation for bids for the construction of the project;

- On April 15, 2021, a virtual meeting was held between Tracey Colores (NCORR), Dee Taylor (CCCD), and Devon Newton (CCCD). Tracey provided an update on the status of the request for additional funds to support the project. NCORR is planning to provide additional funding. The additional funds requested by CCCD will only be eligible for construction activities. There were challenges with obtaining additional funding to assist with supportive services. The official letter and amended sub recipient agreement from NCORR is forthcoming. An updated Project Information Form will also need to be submitted;
- The Wooten Company submitted an updated project schedule. It is anticipated that construction will be completed June 2022;
- NCORR completed its review of the construction project manual;
- The construction project manual prepared by The Wooten Company was sent to NCORR for review. Invitation to Bid for the construction of the project are expected to be posted within the next month pending the City of Fayetteville's final commercial review and NCORR's final review of the construction project manual;
- NCORR held a technical assistance session with Community Development Staff (Sylvia McLean and Dee Taylor) on December 16, 2020 to ensure Community Development is carrying out the requirements of the agreement and the CDBG-DR program. NCORR staff included Dan Blaisdell, Bill Blankenship, Joe Brook, Mary Glasscock, Tracey Colores, and Kristina Cruz;
- A letter (dated July 28, 2020) was sent to NCORR requesting additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services. A follow-up was made with NCORR regarding the status of the request and Community Development had to submit a revised letter (dated October 21, 2020) to clarify the amount requested. Community Development is still waiting to receive a response from NCORR regarding the status of the request;
- The Wooten Company submitted a revised project schedule. Community Development submitted a request to NCORR to extend the deadline to obligate funds to March 9, 2021;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure - A/E Services – The Wooten Company is providing construction administration services and completing the construction document phase. The firm had submitted documents to City of Fayetteville Technical Review Committee and Engineering Review Committee to complete the final review process;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020; and
- NCORR executed SRA with County December 17, 2019.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR)
- Cumberland County:
 - o Sylvia McLean, P.T. Community Development (CD) Consultant

F. Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care

BACKGROUND

Through a contract with the Board of County Commissioners, Southern Health Partners, Inc. has been providing services to the inmates at the Cumberland County Detention Center since July, 2017.

The most recently updated quarterly statistical report of inmate healthcare as reported by Southern Health Partners, Inc. is provided in the attachment.

RECOMMENDATION / PROPOSED ACTION

For information purposes only. No action needed.

Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care																		
July 1, 2017 - June 30, 2021																		
Provided for the Cumberland County Board of Commissioners																		
Data Set	Description	Fiscal Year 2018				Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Average over all Quarters
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	# of Hospital Admissions	7	5	6	9	6	4	4	3	3	4	2	3	2	5	8	3	5
2	# Sent to Emergency Room	20	16	20	29	18	16	11	8	10	16	6	9	6	15	29	7	15
3	# Outside Medical Visits (includes any specialty)	27	32	42	27	44	27	28	40	41	19	24	12	15	26	31	28	29
4	# of In-House X-Ray Services	38	50	82	88	78	54	69	95	75	78	105	45	195	88	51	66	79
5	# Seen On-Site By Mental Health	792	1188	461	461	1220	1403	1324	963	1043	859	1034	691	528	938	733	737	898
6	# Seen by Physician and/or Physician Providers	132	154	222	291	354	288	299	319	256	300	267	196	251	321	227	248	258
7	# Seen by Dentist (includes on-site & off-site)	56	77	66	63	53	42	56	69	63	51	48	54	52	20	49	55	55
8	# of Receiving Screens done by Medical Staff	340	0	0	0	0	2021	3500	2946	2924	2923	2836	1479	1959	1970	1895	2287	1693
9	# Seen by Medical Staff for Sick Call	2029	2986	3612	3298	3512	3672	3739	3598	3507	4304	3513	3045	3553	2834	3350	2527	3317
10	# of History and Physicals Performed	377	858	1163	1487	1365	1353	1296	1243	1721	1476	1418	925	1011	1064	933	853	1169
11	# of Rapid Plasma Reagin's performed (STD testing/syphilis)	331	399	549	513	538	489	486	440	342	415	312	0	0	0	0	0	301
12	# of Other Sexually Transmitted Diseases	6	13	13	16	12	6	18	14	7	13	6	8	5	8	22	16	11
13	# of Medical Refusals by Inmate	77	345	803	451	504	358	409	502	602	774	603	385	564	352	367	414	469
14	# of Inmate Blood Sugar Checks	2239	2145	1728	1554	2508	2100	4265	3455	3362	3993	4105	2651	1818	1633	1647	1814	2564
15	# of Inmate Blood Pressure Checks	625	783	741	962	1193	1508	1705	2105	2510	2006	1776	1012	1036	1184	2112	1615	1428
16	# of TB Screens and/or PPD Tests	274	858	1163	1487	1365	1353	1296	1250	1305	1476	1418	925	1011	1068	933	920	1131
17	# of Staph.MRSA Patients In-house	48	14	7	0	0	1	0	15	7	1	2	1	0	2	3	4	7
18	# of Pregnant Females	9	11	16	18	22	19	18	12	9	14	15	5	9	9	4	15	13
19	# of HIV Patients In-House	19	38	33	20	16	11	25	26	25	14	17	12	17	15	20	13	20
20	# of Inmates Placed on Suicide Watch	95	113	115	109	94	141	133	305	861	169	260	504	765	530	529	215	309
21	# of Inmate Deaths	1	0	0	3	0	0	0	0	2	1	0	0	1	0	0	0	1
22	# of Inmates on Detox Protocols	94	81	65	145	80	200	175	208	214	177	150	49	111	88	110	179	133
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	41	19	30	31	30	32
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	33	12	21	15	23	40	24
25	# of Medi Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	1858	2470	2164
26	# of Medication Assisted Treatment	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	9	0	0	0	0	0	2
27	# of patients tested for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	121	423	886	1194	826	575
28	# of patients testing positive for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	20	9	16	98	8	25
	Average Daily Population per Quarter:	775	740	763	746	751	725	697	649	680	714	674	537	501	472	452	442	645
ADDITIONAL INFORMATION ON OUTLIERS AS COMPARED TO AVERAGES:																		
Gray highlighted cells show outliers as compared to quarterly averages. Per contact at SHP, those quarters' data were inaccurately counted and reported.																		
Please note: HIPAA laws do not allow cause of death information to be released within the quarterly reports.																		
Line 21: Per Dr. Jennifer Green, Cumberland County Public Health Director: All new inmates are being tested upon intake (~day 5 or 6 after arrival) and quarantined.																		
Line 28: Per Dr. Jennifer Green, Cumberland County Public Health Director: Some of the positive tests were among those that were tested upon intake and already in quarantine. There was one outbreak which was concluded in June 2020. No new outbreaks have been identified since then.																		

Commissioner Adams stated Mecklenburg County and Orange County are going to be members of Alliance Health and there is considerable debate about the number of Board of Director seats for each county. Commissioner Adams stated Durham County is in line to lose a number of seats, Cumberland County is in line to lose one seat and Wake County will lose seats. Commissioner Adams stated more changes will occur during the Medicaid transformation which will uproot a lot of people in behavioral health across the state. Questions followed.

Commissioner Adams referenced the Fayetteville-Raleigh passenger rail feasibility study and stated the study has been completed and there are two corridors or routes in the recommendations. Commissioner Adams stated with the infrastructure money that is coming down, this Board may wish to have discussion about being in line to move that project forward.

7. CLOSED SESSION

There was no closed session.

- MOTION: Commissioner Council moved to adjourn.
- SECOND: Commissioner Stewart
- VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 3:15 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board